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LANDMARKS IN
INDIAN CONSTITUTIONAL AND
NATIONAL DEVELOPMENT
(1600—1919)

LANDMARKS IN
INDIAN CONSTITUTIONAL
AND
NATIONAL DEVELOPMENT
(1600—1919)

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To
My Brother and Sister-in-Law
Mr. & Mrs. Saint Nihal Singh
with
Affection and Gratitude.

PREFACE

I do not think any apology is needed for writing a fairly comprehensive history of the constitutional and national development of India from the scientific and academic standpoint. Its want has been felt keenly by all students of Indian constitutional problems. At any rate, some of us in the Hindu University—where special provision has been made for the scientific study of “the Government and Politics of India”¹—have been feeling the need of a reliable constitutional history of India for a number of years. It was to meet this want that the present work was undertaken.

It is not necessary to dwell upon the importance of the study of constitutional history. The need of studying the political problems in their historical setting and perspective is self-evident. This, however, does not imply a belief in Seeley's famous dictum—that history is the root and politics is the fruit of history or that the study of history and politics is one and the same thing. All modern writers regard this view as lop-sided and they point out the necessity of studying the economic and geographical factors, the psychological and biological principles, the ethical and philosophical aspects, and of looking at the subject from both the historical and sociological standpoints. Nonetheless it is true to say that the study of constitutional history is essential for the proper understanding of constitutional problems and to get a real insight into the workings of a political constitutional or system of government. I also regard constitutional history as a most important branch of national history. It supplies, what I may term, a key to the political soul of the people. The chronicle of the struggle for national freedom cannot but be soul-stirring and inspiring—

¹ This is the title of the third paper in political science in the B. A. at the Benares Hindu University. The paper is divided into three parts:—(a) History of the constitutional and national development of India; (b) the existing system of government; and (c) the present day political problems.

however agonising and terrible may be the particular episodes in it.

It may therefore seem strange that no one should have attempted to write the Indian constitutional history till now. There appear to be two main reasons for it. In the first instance, the struggle for national freedom is still going on. As a matter of fact it has only recently reached a serious stage—and it is bound to pass through several stages still. Before the Great War, except for a brief period of 1905-08, political movement in India was confined to the educated classes. It is true that both Mr. Tilak and Mrs. Besant did their best to reach the masses, especially during 1916 to 1918 ; but it was reserved for Mr. Gandhi to transform the political movement into a really popular and national¹ movement. There are, therefore, some persons who feel that it is yet too early to write a constitutional history of India. In my opinion they are mistaken in their view. The struggle for freedom is never complete ; and, in any case, the history of earlier stages always affords valuable guidance for the future.

Secondly, it must not be forgotten, that it is only within the last eight or ten years that political science has been constituted into a separate and independent subject of study in India and that also in only five of the universities. Under such circumstances it is not surprising that very little has been done in writing a comprehensive and scientific constitutional history of India.

So far as I have been able to discover there is only one book which purports to be a constitutional history of India. It is written by Mr. Archibold and is called "Outlines of Indian Constitutional History." It is not a comprehensive study and does not deal with the political life in the country. The most

¹ Till 1919 the masses had not actually identified themselves with the national movement. This was specially true of the Moslems. The Lucknow Pact of 1916 was the affair of the educated classes. It was only in 1919 that the Muslim and the Hindu masses identified themselves with the national cause. As a matter of fact, after 1919, the national movement became more of a mass movement than a movement of the educated classes. Mr. Gandhi himself stated that he was greatly disappointed with the response of the educated classes to his call for national sacrifice.

useful part of the book is that which describes the development of the law courts. There are three other books which deal with the history of British Government in India. One of them is by Sir Courtney Ilbert, the ex-law member of the Government of India. It is an excellent book, but its scope is very limited, as is indicated by the title "A brief historical survey of Parliamentary legislation relating to India." The other two books, Sapre's "Growth of the Indian Constitution and system of administration" and C. L. Anand's "History of the Government of India, Part II" give a brief history of the various parts of the Indian system of government but they do not deal with the currents of life in the country and are in no sense books on constitutional history. The Report on Indian Constitutional Reforms, 1918, gives the whole historical background, and is particularly good in describing the growth of the representative institutions in India.

The literature on the history of the national movement is more abundant but less satisfactory—because the treatment in most cases is one-sided and incomplete. "The History of the Indian Nationalist Movement" by Sir Verney Lovett is more in the nature of a political pamphlet than that of a work on history, though it is written by the Reader in Indian History at Oxford. Dr. Topa's book on "The growth and development of the national thought in India" is also disappointing. Dr. Topa has attempted too big a task in tracing the development from the earliest times to 1919. He is also not clear, particularly in the last part, as to whether he is writing a history of national *thought* or of the national *movement*. There are three useful books written by three national leaders—Sir Surendranath Bannerjee, Lala Lajpat Rai and Babu Ambica Charan Mazumdar. The book of Sir Surendranath is an autobiography, though named "A Nation in Making." It affords an insight into the working of national life in India and gives a graphic picture of Bengal during the agitation of 1905-08. Lala Lajpat Rai's "Young India" is a regular history of the national movement from the point of view of an Extremist of 1907-08 and Mr. Mazumdar's "Indian National Evolution" from

the standpoint of a Moderate of the same period. Mr. Mazumdar's book gives a vivid picture of the national life of India till 1916. It has done useful service to the students of the Indian national movement. The story is continued by Mr. Pradhan in "India's Struggle for Swaraj". It deals more comprehensively with the post-war non-co-operation movements than with the political movements before 1919.

There are a number of other books from which I have derived help in piecing together the history of the Government and of the national movement in India. It is not possible to mention them here. A complete list is given at the end. In the Bibliography, however, I have not aimed at comprehensiveness. I have included only those publications which I have actually used in writing the book. I have tried to acknowledge my indebtedness in each case to previous workers in the field in the footnotes in the book itself. It is, therefore, not necessary to mention them specifically here.

: * *

In the following pages an attempt has been made to describe in sufficient detail the foundation and expansion of British dominion in India, the growth of the British system of administration and government in the country, the beginning and growth of political life in India, the origin and development of Indian demand for association in the government of the country, the beginnings of the Indian national movement and the causes of its origin, growth and development, the struggle of the people for the achievement of their ambitions, demands, aspirations and ideals, and the working out of the policy of reforms and repression by the Government. In doing so an effort has been made to go behind the facts and to get at the inner motives and meanings, to deal with all the complex factors instead of trying to find simpler explanations, and to reproduce, so far as possible, the atmosphere of the times and to give a complete picture of the periods. For this purpose, it has often been necessary to give details of economic and social facts and movements, which would otherwise have found no place in a constitutional history of the country. In spite of

this, however, it is possible that some may feel that there are several omissions. All I can say to them is that I have tried my best not to omit any facts and details relevant to the purposes of this study.

In writing this book I have refrained from passing any judgments. My object has been, not to apportion praise or blame, but to state the facts in their scientific bearing and historical setting.

* * * * *

The present volume is divided into two main parts. Part I deals with the Company period ; it is called "Company Rule in India." The treatment in this part is not very detailed. Part I is intended chiefly to serve as an introduction and to make the picture complete of the political, rather constitutional, aspects of British rule in India. For this reason attention is drawn prominently to such topics as the control of the Parliament and ministers over the Governments in India, the regulation and control of the press and public opinion in the country and the use made of the policy of creating moral effect, as it is politely called.

Part II has been named more for the sake of logic and continuity of tradition—than for any belief in its utility or inherent superiority—"India under the Crown." In my opinion, the scientifically correct title for Part II, which deals with the period 1861—1919, would have been "The development of representative institutions in India." This was discarded at the last moment for the considerations just mentioned and also for the convenience of printing. Its length would have proved troublesome in its use at the head of every other page in Part II of the book.

Part II is divided into three well-known, natural periods, 1861—1892, 1892—1909, 1909—1919, marked by the passing of the Reforms Acts of 1892, 1909 and 1919—the landmarks in the constitutional development of India, which are responsible for the title of the book: "Landmarks in Indian Constitutional and National Development." In each period events of administrative and constitutional importance are narrated in

sufficient detail in their proper historical setting ; the factors responsible for constitutional changes and national progress are discussed and clearly stated ; the struggle for further progress—its nature, course and results are then described ; and the net gain in the period indicated.

It was possible to adopt the other method of dealing with the subject i.e. topic-wise instead of period-wise ; but I have preferred the latter course as more natural and useful. It is less abstract and more concrete and synthetic and permits easier adjustment to the march of events. As the country passes through further stages on the road to responsible government, new sections can be added to the volume without disturbing the arrangements of the various periods. For instance, I intend to write a supplementary volume soon after the period, in which we are living, is completed. It is expected that the next reforms may come into force in 1935 ; and as soon as things get settled I propose to write the history of the period 1919—1935. An attempt has also been made to remove partially the chief defect of the period-wise method of treatment, i.e., of the break in the continuity of the history of each topic, by giving an exhaustive analysis of contents and by adding a fairly detailed index.

There is one more point to which a brief reference is necessary. In the history of the national movement I have had to include as a matter of course the history of the revolutionary movement. The repressive policy of the Government cannot be explained on any other basis. It is no use denying or ignoring facts. The revolutionary movement does exist in the country, however wrong and harmful it may be to the national cause. It has been condemned universally by public men in India—whether moderate or extremist ; and the members of the various legislatures in the country have expressed their willingness to give special powers to the Government, so far as they are necessary for the suppression of the revolutionary crime. As a matter of fact strongly repressive measures are in force at this time to eradicate the evil especially in Bengal. Leaders of Indian opinion hold the view that no amount of

repression will succeed in rooting out the revolutionary crime from India—the grant of freedom alone will achieve this purpose. This view is shared by some of the far-sighted English men also and was expressed by two liberal Secretaries of State, the late Lord Morley and the late Mr. E. S. Montagu. However, I am not concerned at this place with the solution of this situation. My purpose has been to deal with all the factors affecting the political and constitutional life of the people, without apportioning praise or blame, as stated already. If it is considered of any special value, I unhesitatingly say that I regard “anarchical” and “terrorist” crime as both reprehensible, wrong and futile.

* * * * *

An effort has been made to make the book useful not only to students of political science, history and Indian constitutional problems but also to all educated persons in the country who take an interest in public questions. The subject has been treated with such clarity as I could command and in as interesting a manner as possible, without, it is hoped, sacrificing scientific accuracy, which, in the opinion of the writer, is the first requisite of a work of this type. Moreover, as I stated in the preface of my book on “Indian States and British India : Their Future Relations”, “the university is the home of free thought and it is the privilege of a professor to discuss even delicate questions with perfect candour and impartiality—openly, frankly without bias and animus.” I have attempted to carry out this work in the same spirit.

In conclusion I have great pleasure in acknowledging gratefully the help that I have received from various friends and co-workers. In the first place I wish to record my sense of gratitude to the librarian and the staff of the University Library and also of Babu Shiv Prasad Gupta’s library for their unfailing courtesy and help. I also offer my thanks to Principal P. Seshadri, Mehr Brothers and Messrs. N. K. Tiwary, Mukut Behari Lal and K. L. Varma for loan of books and reports. My

colleagues Messrs. K. Bhattacharya, S. Subramaniam, Mukut Behari Lal and K. L. Varma have been of considerable help to me in discussing the various points and problems dealt with in this book. Mr. K. L. Varma has also corrected the type-script. I am grateful to them all. I owe a deep debt of gratitude to the Vice-Chancellor and the Pro-Vice-Chancellor of the Hindu University for their valuable advice and encouragement. Principal A. B. Dhruva was kind enough to read a large part of the book in manuscript and the revered Vice-Chancellor had kindly consented to write a foreword which he was only prevented from writing on account of persistent ill-health, inability to go through the manuscript owing to heavy pressure of other work, and, at the last moment, by an urgent call from the nation. I tender him and Principal Dhruva my respectful thanks. I am also grateful to my publisher, Mr. Venugopal, the manager of The Indian Bookshop, Benares, for helping me in the tedious work of proof correction. Lastly I cannot help mentioning the names of my brother and sister-in-law, Mr. and Mrs. St. Nihal Singh, to whom I can never sufficiently thank for all they have done for me. All I can do is to dedicate to them, with reverence and affection, this volume over which I have spent several years of my life.

In the end I wish to state clearly that I am alone responsible for whatever defects may be found in this volume.

GURMUKH N. SINGH.

BENARES HINDU UNIVERSITY,

April 4th, 1933.

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PART I.
COMPANY RULE IN INDIA.

CHAPTER I.

THE COMING OF THE BRITISH.

I

Attracted by the stories of the fabulous wealth of India and by the growing prosperity of the Iberians through their trade with the East Indies, English adventurers set out on hazardous expeditions to find a new sea route¹ to this country. They suffered terrible hardships and enormous losses. Some of them lost their lives and ships in the attempt.² Some were forced to land elsewhere and to open trade relationships with other people.³ But they persevered: they did not give up the attempt until they were convinced that rounding the Cape was the best way of getting to India and until they were sure of getting a footing there. A century's sad experience convinced them of the former and the growing might of England under Elizabeth gave them hopes of the latter. Accordingly some of the enterprising merchants of London formed themselves into a company⁴ with the object of trading with the East Indies.

This company of London merchants was formed in 1599 and consisted of George, Earl of Cumberland and 215 aldermen and burgesses of the City of London. In order to fortify their position the members of the Company approached their Sovereign for a Charter, which was granted to them by Queen Elizabeth on December 31st, 1600. By this Charter the management of the Company was vested in the hands of a Governor and 24 members or "committees", who were

¹ The overland route was barred by Turkey and the route *via* the Cape of Good Hope was regarded as the monopoly of the Portuguese.

² Early in the 16th Century Sir Hugh Willoughby lost his life and ship in an attempt to reach India by a new sea-route.

³ Captain Chancellor was forced to go into the White Sea, from where he went over to Moscow and laid the foundations of the Anglo-Russian Trade and Company.

⁴ The Company took the title of the "Governor and Company of Merchants of London Trading into the East Indies."

authorised to organise and to send trading expeditions to the East Indies. No Englishman "of what degree or quality soever he may be—other than the said Governor and Company of Merchants of London, trading with the East Indies" or their heirs, successors, and agents "were permitted to visit, haunt, frequent or trade, traffick or adventure, by way of merchandise into or from any of the said East Indies or into or from any [of] the islands, ports, havens, cities, towns or places afore-said".¹ The London Company thus got a monopoly of the East India trade as far as Englishmen were concerned, and it was protected against marauders, sea-dacoits and rivals of other nations by "six good ships and six good pinnaces, well furnished with ordnance, and other munitions for their defence and five hundred mariners, Englishmen to guide and sail in the same six ships, and six pinnaces".²

The London Company, strange as it may appear to us to-day, had no joint stock or capital to begin with. It belonged to the class of "Regulated Companies".³ The first voyages that were undertaken in the name of the Company were not joint expeditions and did not benefit all the members. They only benefitted those, who, of their own free will and choice, joined in them. For this reason they are known as "separate voyages". However, the need for joint capital was soon felt by the Company and in 1612 all the members were asked to make their contributions. But this joint capital was raised only for a definite and terminable period.⁴ It was only in 1657 that the members subscribed a permanent joint stock and turned the Company from a regulated company into a joint stock corporation.

¹ First charter of the London Company, Mukerjee: "Indian Constitutional Documents." Vol. I., Page 15.

² *Ibid.* Page 14.

³ "The members of such a company were subject to certain common regulations, and were entitled to certain common privileges, but each of them traded on his own separate capital, and there was no joint stock." Illbert: Government of India. Historical Survey, Page 7.

⁴ "The system adopted—that of terminable stocks—each of which was wound up in turn and its assets distributed." Foster, Chapter IV., The Cambridge History of India, Vol. V., Page 89.

The Charter of 1600 was granted only for 15 years, on the condition that its working did not prove harmful to the interests of the Sovereign and the people of England ; and, if the Crown and the people were not prejudicially affected, the Charter was to be renewed for a similar period. In case, however, the interests of the Crown and the people were affected adversely the Charter was to be terminated on two years' warning.¹ The Charter of the Company was renewed from time to time, first by the Sovereign and later by Acts of Parliament till the Company was dissolved in 1858.

II

Fortified with the Charter the London Company started on its most eventful career. It began to lay the foundations of a permanent Anglo-Indian trade by building up factories and establishing settlements at the important ports on the Indian coast. The first trading port established by the Company was at Surat,² where it secured a grant of land and other concessions from Emperor Jahangir. In 1616 a factory was established at Masulipatam. In 1633 a factory was started at Hariharpur (in the Mahanadi delta). In 1640 the fort of St. George was constructed at Madras. In 1650 the Company obtained a license from the Governor of Bengal (which was confirmed by the Viceroy of Aurangzeb when he conquered Bengal) to trade, erect factories etc., in the province. A factory was, consequently, started at Hugli, the Imperial port, but the Company was unable to make much headway from there, owing to the opposition of the new Viceroy, Shaista Khan. Job Charnock was forced to abandon Hugli in 1686 and to move on to Sutanati, the site where Calcutta now stands. A factory was built there in 1690. The island and

¹ The Charter was renewed in 1609 by James I. It was made perpetual, subject to determination after three years' notice on proof of injury to the nation.

² The Company's first two voyages were made not to India but to Achin (in Sumatra), Bantum (in Java) and the Mollucas. It was on the Third Voyage that arrangements were made to stop at Surat on the way to Bantum (24th August, 1608). But it was not until 1613 that the Royal *Firman* was issued and a permanent factory established at Surat.

port of Bombay were presented to the Company by King Charles II in 1669 "to be held of the Crown for the annual rent of £10". The Company thus secured by the end of the 17th century important places on the coast of India, from where it could conveniently carry on its trade and other transactions.

III

The London Company, as we have already seen, was formed with the object of trading with the East Indies, but it soon developed other ambitions. Following the example of the Dutch and the Portuguese it gradually went in more and more for the acquisition of territory and the increase of revenue. Under its charters the merchants of the Company had the power "to acquire territory, fortify their stations, defend their property by armed force, coin money and administer justice within their own settlements". Unsettled conditions in India gave them an opportunity to utilise these provisions. The members of the managing committee began to dream of founding a large and mighty empire in the East Indies. Accordingly they issued a proclamation in 1687 declaring that they intended to "establish such a polity of civil and military power, and create and secure such a large revenue as may be the foundations of a large, well grounded, sure English dominion in India for all time to come".¹ Next year they translated this intention into a definite policy of expansion through their famous resolution of 1688,² which according to Ilbert "announces in unmistakable terms the determination of the Company to guard their commercial supremacy on the basis of their territorial sovereignty and foreshadows the annexations of the next century".³

¹ Quoted by P. Mukerjee, "Indian Constitutional Documents" Vol. I., Introduction page v.

² The resolution of 1688 says: "The increase of our revenue is the subject of our care . . . as much as our trade; 'tis that must maintain our force when twenty accidents may interrupt our trade; 'tis that must make us a nation in India."

³ Ilbert: Government of India, Historical Introduction, page 24.

IV

The Charter of 1600 gave to the Company the exclusive privilege of trading with the East Indies, from the Cape of Good Hope to the Straits of Magellan, with only a single restriction: that "the same trade be not undertaken nor addressed to any country, island, port, haven, city, creek, town or place, already in the lawful and actual possession of any such Christian Prince or State, at this present is, or any-time hereafter shall be in league or amity with us, our heirs and successors, which doth not or will not accept of such trade".¹ The Queen, by virtue of the Royal prerogative,² prohibited her subjects, upon pain of forfeiture and penalties, from infringing the privileges of the Company. Such a general prohibition will no doubt be regarded to-day as a serious infringement of the ordinary rights of citizenship and will, consequently, be strongly resented; but those were the days of privilege and monopoly, especially in foreign trade; and international conditions were such as to make the bulk of the people accept monopolies of closed corporations.³ The London Company was not the first or the only company of its kind: Philip and Mary had granted the monopoly of Anglo-Russian trade to the Russian Company in 1553-54. Queen Elizabeth had given the monopoly of the Mediterranean trade to the Levant Company by the Charter of 1581. It was, therefore, nothing unusual for Queen Elizabeth to grant a charter to the London Company giving it the monopoly of the East Indian Trade.

The London Company, however, excited ire and jealousy

¹ Charter of 1600. Mukerjee: Indian Constitutional Documents. Vol. I., page 8.

² See page 2, *supra*.

³ "For the successful prosecution of Eastern Trade it was necessary to have an association powerful enough to negotiate with native princes, to enforce discipline among its agents and servants, and to drive off European rivals with the strong hand. No Western Nation could afford to support more than one such association without dissipating its strength. The independent trader or interloper, was through his weakness, at the mercy of the foreigner, and, through his irresponsibility, a source of danger to his countrymen." Ilbert: Government of India. Historical Introduction, page 9.

from the beginning and was harassed by interlopers and rivals, both native and foreign.¹ Through the influence of Endymion Porter, a gentleman of the bedchamber, Sir William Courten was able to obtain in 1635 from Charles I a license for himself and his associates to trade into the East Indies independently of the London Company. His association founded a settlement at Assada in Madagascar and started its trade operations from there. It is consequently known as the Assada Company.² The London Company suffered serious losses at the hands of the Assada Company for some time but was unable to obtain any redress from either the King or the Parliament. In the end, through the efforts of the Commonwealth Council of State, a compromise was arranged between the two companies by which the Assada merchants were absorbed in the London Company.

The Civil War also affected the London Company adversely. The Roundhead section of Parliament seized the cannon of the Company and took from it a forced loan of £5,000. The position had become so serious by 1647 that there was a talk of winding up the affairs. But soon the luck changed. The Protector came to the rescue of the Company and settled its differences with the native and foreign rivals, and ultimately granted to the Company a new charter in 1657. It was this Charter that finally converted the London Company into a real joint stock company.³ By the regulations framed under this charter any one could become a member by payment of an entrance fee of £5 and by subscribing at least £100 to the stock of the Company ; but he could only vote in the general meeting or "General Court" if he held stock worth £500. All holders of £1,000 stock were eligible for election to the "Committees" or membership of the Court of Directors, eight of whom were to retire every year. The term of Office

¹ See Chapter II for the conflict with foreign rivals.

² It is also known as the Courteen's Association.

³ The Charter of 19th October 1657, insisted upon the Company to have "one continuous joint stock." Thus was the Company transformed, in the words of Hunter "from a feeble relic of the mediæval trade-guild into a vigorous forerunner of the Modern Joint Stock Company."

of the Governor and of the Deputy Governor was reduced, in each case to two consecutive years at the maximum.¹

After the restoration the Company had a short spell of prosperity. The Company was dominated by the powerful personality of Sir Josiah Child, who had influence at the Court and who used the money of the Company in giving bribes to ministers and advisers of the Crown to get greater powers for it. It was during his supremacy that the famous resolution of 1688 was passed and it was under his inspiration that the Company began to dream of founding a great Empire in the East.² His policy, however, received a strong set-back by the Revolution of 1688.

For the last generation or so the Company had been following a very liberal policy towards outsiders. Any one could become a member of the Company by paying the necessary entrance fee and by subscribing the requisite amount of stock. Any Englishman could go and settle at its factories. It allowed its servants in the East to trade on their own account within certain limits and it granted licenses to outsiders to visit and trade at its settlements freely. But still it was pestered with interlopers and rival organisations. Among the former may be mentioned Thomas Pitt, the most famous and the luckiest of all, who through his adventures laid the foundations of the fortune of his family. Thomas Pitt was the grandfather of the Earl of Chatham.

¹ Previously there was no such limit: A Governor could be re-elected any number of times. Sir Thomas Smith held office from 1600 to 1621; Sir Morris Abbot was Governor from 1624 to 1637 and Mr. William Cockayne from 1643 to 1658.

² It is held by the majority of writers on Indian History and Constitution that the Company had no intention whatsoever of acquiring political power in India and that the Company was purely a commercial concern. "For a century and a half" so runs the statement in the Imperial Gazetteer of India (Vol. IV., page 6), "pursuit of trade was the object of the Company's existence." The Resolution of 1688 definitely contradicts this contention. But it is not necessary to enlarge on the point in the 20th Century because the methods of economic and religious penetration are now openly used for the extension of empire. See page 21, "The Government of India" by Ramsay Macdonald and the "Man of Destiny" a play by G. B. Shaw, "Plays Pleasant and Unpleasant", Vol. II., page 201. As soon as conditions permitted the Company began to plan the acquisition of territory and dominion in India.

The rivals of the Company took advantage of the Revolution of 1688 and the changed political conditions and organised a serious opposition to it. They had been defeated in the law courts, which, as in the case of *the East India Company v. Sandys* (1683-85), had upheld the monopoly of the Company. They now formed themselves into a new company and appealed to the Parliament. The House of Commons passed two resolutions on the subject in 1691, recognising the beneficial nature of the East Indian Trade and the advisability of leaving it in the hands of a joint stock corporation possessed of extensive privileges. It proposed to remodel the Old Company and to incorporate it with the New. The attempt was however given up as the terms were unacceptable to Sir Joshia ; and the King was requested to give three years' notice to the Old Company to wind up its affairs. Sir Joshia Child, however, by giving high bribes,¹ was able to get the Charter renewed, in 1693. Under this Charter regulations were made modifying the constitution of the Company. The capital of the Company was increased by £744,000 and the largest amount to be subscribed by any single person was fixed at £10,000, and the largest number of votes for such subscribers at 10 *i.e.*, one for each £1,000 worth of stock.² All persons possessing £1,000 stock were eligible for Committees³ ; but no one could become a Governor or Deputy Governor unless he owned £4,000 worth of stock. All transfers were to be recorded in a book which was to be open to public inspection. The joint stock was subscribed only for twenty-one years.⁴

Emboldened by the renewal of the Charter the London Company detained the *Redbridge*, which was believed to be bound for the East Indies. The Company's right of detention

¹ "The secret service money account of the Company placed before the House of Commons in 1695 showed that £23,469 were expended between 1688 and 1692, and £80,468 in 1693." Thakore : Indian Administration to the dawn of Responsible Government.

² The qualification for a single vote was reduced to £500 and the maximum number of votes to five by the Charter of 1698.

³ Raised to £2,000 in 1698.

⁴ See Ilbert : Historical Survey, page 26.

was questioned and the matter ultimately came before the Parliament. The House of Commons passed a resolution in 1694 "that all subjects of England have equal rights to trade to the East Indies unless prohibited by Act of Parliament". The monopoly of the London Company was thus destroyed for the time being and it was decided for all times to come that, to use the words of Lord Macaulay, "no power but of the whole legislature can give to any person or to any society an exclusive privilege of trading to any part of the world".

By the Resolution of 1694 the power of granting trade monopoly was shifted from the Crown to the Parliament and both the Old and the New companies began to approach the Legislature, through the Rt. Hon'ble Mr. Montagu, the then Chancellor of the Exchequer, for an Act. Montagu was in great need of money and the monopoly of the trade "was virtually put up to auction¹ between the contending bodies". The Old Company had already spent high sums on bribes and had recently suffered great losses during the war with France and could only offer a loan of £700,000 at 4 per cent. interest and that also by increasing its capital to £1,500,000. But the New Company was willing to lend £2,000,000, the amount Montagu wanted, at 8 per cent. interest. A bill was, therefore, introduced in Parliament providing "for a subscription of £2,000,000 Sterling as a loan to the State, which in return would grant to a 'General Society' made up of the subscribers the exclusive right of trading to the East Indies".² The Old Company was to be given three year's warning, as required by its Charter, *i.e.*, till September 1701. When the Old Company realised that its monopoly could not be saved in any other way it offered to find the whole money, but the proposal came too late and the bill giving the monopoly to

¹ "The system (of obtaining loans for the State in return for exclusive privileges) was an advance on that under which bodies of merchants had obtained their privileges by means of presents to the King or bribes to his ministers, and was destined to receive much development in the next generation." Ilbert: *Historical Survey*, page 28.

² Foster: Chapter IV, *Cambridge History of India*, Vol. V., pages 98 and 99.

the New Company was passed by the two Houses and received Royal assent in July, 1698.

The Act of 1698 gave the subscribers of the loan the option either of trading separately to the value of the amounts subscribed by each or of uniting "under a royal charter for the purpose of trading in common".¹ "The great bulk of the subscribers chose the latter alternative, and on the 5th September, 1698, they were accordingly incorporated by Royal Charter under the style of 'The English Company Trading to the East Indies'. The management was entrusted to twenty-four directors, who were to appoint from among themselves a chairman and a deputy-chairman ; and we may note in passing that the shareholders were not required, as in the earlier Company, to pay a separate sum for admission to the freedom."²

The Charter of 1698 became important later on, when the Old or the London Company was incorporated with the New or the English Company. By it the new Company got the exclusive privilege of trading to the East Indies from September 29, 1701 ; till then its right of trading was concurrent with that of the Old Company, which was given three years' warning to wind up its affairs. "The new Company, like the old Company, was authorised to make bye-laws and ordinances, to appoint Governors, with power to raise and train military forces and to establish courts of judicature. It was also directed to maintain ministers of religion at the factories in India, and to take a chaplain in every ship of 500 tons".³ The ministers were to learn the Portuguese and the Indian languages, to teach the Protestant religion and provision was also made for the appointment of schoolmasters.

As a result of the passing of the Act of 1698 there followed a period of cut-throat competition between the two Companies, in which the principles of fair trade and honest dealings were all thrown to the winds. The Old Company

¹ Ilbert : Historical Survey, page 28.

² Foster : Chapter IV, Cambridge History of India, Vol. V, pages 98 and 99.

³ Ilbert : Historical Survey, page 29.

had the advantage of experience and long standing and it had also obtained an interest in the New Company by subscribing £315,000 to the capital of £2 millions to safeguard against eventualities. The New Company, on the other hand, could afford to wait till the Old Company was wound up in 1701. The situation, however, became very serious in the meantime. The New Company began to lose very heavily. There was nothing for it to do but to come to some sort of understanding with the Old Company. A compromise was, therefore, arranged through the intervention of Lord Godolphin by which the two Companies agreed to amalgamate after their stock had been valued and equalised. By this agreement of 1702 "the Old Company was to maintain its separate existence for seven years, but the trade of the two companies was to be carried on jointly, in the name of the English Company, but for the common benefit of both under the direction of twenty-four managers, twelve to be selected by each Company. At the end of the seven years the Old Company was to surrender its charters"¹ and the trade was to be carried on by the New Company under the name of "The United Company of Merchants of England trading to the East Indies".

The agreement of 1702 gave rise to disputes and difficulties to settle which an Act was passed in 1707 by which the New Company was required to give an additional loan of £1,200,000 to the State free of interest—thus reducing the rate of interest on the total debt of £3,200,000 to 5 per cent. In return the English Company's exclusive privileges were extended to 1726, and the right of buying out those members of the "General Society" who had decided in 1698 to trade on their own account, was granted to it. Lord Godolphin was appointed arbitrator to settle outstanding questions between the two Companies. He gave his award in September 1708 and in March 1709 the Old Company surrendered its charters to the Queen. Thus ended the separate existence of the London Company. The New Company transformed into "The United

¹ Ilbert: *Historical Survey*, page 30.

Company of Merchants of England trading to the East Indies''¹ took up the work of the Old Company and started on its eventful and prosperous career.

¹ Auber gives the constitution of the United Company as follows : "The Company consisted of all persons holding a share in the capital stock, then amounting to £2,000,000. Every individual, whether male or female, possessing £500 stock, either in his or her own right or otherwise, was entitled to vote and to take part in discussions in the meeting of Proprietors, who when assembled were termed by the Charter a "GENERAL COURT OF PROPRIETORS." The Proprietors were to elect out of their body, every year, twenty-four members, each possessing £2,000 stock, to be Directors of the Company. Thirteen members formed a quorum, and when assembled for business were termed a "COURT OF DIRECTORS." By the charter four general Courts are to be held in the year, each quarterly. A committee was to be chosen to frame by-laws for the government of the Company, which laws have the same force as those framed by Parliament, when not opposed to any existing Act." The Rise and Progress of British Power in India, page 13.

CHAPTER II.

THE STRUGGLE FOR SUPREMACY.

I

The birth of the United East India Company synchronised with the exit of the great Moghul personality of Aurangzeb—a coincidence which had great influence on the course of later history in India. As soon as the strong hand was removed from the centre a scramble for power began in which the foreign nations—who had come ostensibly with the object of trading in India—joined freely. The United Company saw the chance of its life, which it did not hesitate to take. But it had a most formidable rival to contend with—Britain's traditional enemy, France. Ultimately it triumphed and established an empire in the east, the like of which the world had never seen before.

II

England had to contend with formidable foreign rivals for the mastery of the East Indian trade. Pope Alexander Borgia had declared the Eastern trade as a monopoly of the Portuguese. The two Protestant nations, the English and the Dutch, undertook to break this monopoly. The London and the Dutch Companies worked for the first few years in cooperation but they soon quarrelled. The proposed amalgamation between the two Companies fell through and the two entered on a period of unscrupulous rivalry. However, they had both to fight the Portuguese and so they could not help cooperating to some extent.

Soon after the issue of Pope Alexander's Bull the Portuguese began to establish with ruthless energy their fortified settlements on the Indian coast and to seize points of vantage in the Indian Ocean. This continued till 1580, when Portugal was annexed by Spain. The Spaniards did not

believe in trade ; they found it easier to dig precious metals in America than to send trade expeditions to the East. All the same they claimed the Indies as their private possessions and asserted their right of exclusive trade. They came into a serious conflict with the Dutch in the Malacca Straits and the China Sea in 1605 and suffered a heavy defeat. Fierce fighting took place between the Portuguese and the English between 1613 and 1615 near Surat and in one of the battles the Portuguese lost 400 to 500 men. They, however, continued to molest the English ships. The London Company thereupon took concerted action with the Shah of Persia and turned out the Portuguese from the Island of Ormuz and thus destroyed their naval base in the Arabian Sea. In 1630 there was again fight between the English and the Portuguese fleets. At the same time the Dutch attacked the Portuguese possessions in India and Ceylon. This double opposition greatly weakened the Portuguese and although they regained their independence in 1640, they never recovered their power and prestige in the East. The treaty of Munster (1648) limited their possessions in India and thenceforward they ceased to count in the East.

III

The London and the Dutch Companies started very amicably but they soon fell foul of each other. They rapidly drifted into war both on the high seas and on land. Both realised their folly and after protracted negotiations concluded a treaty in 1619 on the basis of mutual restitutions and compensations. Trade competition however again led to quarrels. The tension reached its highest point in 1623 when the Dutch massacred almost all the English at Amboyna and forced the London Company to retire from the trade with the Spice Islands and to concentrate its energies on the Indian trade. Cromwell espoused the cause of the Company against the Dutch and made the wrongs done to the Company as one of the chief causes of going to war with Holland. The fight continued for three years and was concluded by the Treaty of Westminster in 1654. Under this treaty the London Company received

£85,000¹ as compensation for Amboyna massacre and exclusion from the trade with Eastern Archipelago. The ambitions of the French King involved Holland in long and disastrous wars. The Dutch had to fight for their existence in Europe and their trade with the East suffered greatly. They emerged out of the struggle very weak, unfit for any further commercial expansion. The Peace of Ryswick (1697) marks the end of the commercial supremacy of the Dutch in the East.

IV

The seventeenth century thus saw the disappearance of England's two great rivals in the East ; but it also witnessed the emergence of a more formidable foe to her ambitions. The commercial successes of the English and the Dutch lured the French into the field.

The French East India Company was started in 1664 under the auspices of Colbert, and began to found settlements on the Indian coast and *en route* to the East Indies. The French made Mauritius their naval base in the Indian Ocean and after various vicissitudes established their Indian headquarters at Pondicherry. Under a series of very able governors—Francois, Martin, Lenoir, Dumas—they were able to entrench their position on the eastern coast and to establish outposts at Chandernagar in Bengal and at Mahe on the Malabar Coast. The French governors cultivated the friendship of Indian rulers and were able to establish their prowess and prestige in the country.

In 1741 Dupleix became the Governor of Pondicherry. He had high ambition, great imagination, bold outlook and a large amount of tact and skill in dealing with delicate and difficult situations. He at once perceived the possibilities. If he could only get rid of the English, he thought, everything else would be quite easy : and he laid his plans accordingly. The English in India were no less alert : they were watching their opportunity. Both were sitting on the fence—prepared

¹ However, Cromwell borrowed £50,000 out of it for the Commonwealth Government.

according to their respective lights—when France joined Spain against England in 1744, and the struggle for supremacy began in India.

The English tried to capture Pondicherry but failed. The French, however, were able to take Madras in 1746 and hold it although the Nawab of Carnatic tried his best to wrest it from their hands. In the battle with the Nawab's army, Dupleix demonstrated the immense superiority of European training and discipline to the antiquated methods of warfare still practised in India. The attempt of the French to capture St. David and of the English to take Pondicherry again in 1748 both failed. Soon the news of the Peace of Aix-la-Chapelle came and put an end to the hostilities for the time being. By the Treaty of 1748 Madras was returned to the English in exchange for Louisberg in Canada.

The truce in Europe necessitated a truce in India but the two Companies in the East did not approve of it and had no intention of observing it. They ceased fighting but began intriguing with the Indian rivals for the sovereignty of the Carnatic and the Deccan. The French espoused the cause of Chanda Sahib and Muzaffar Jang and the English took the side of Mohammad Ali and Nasir Jang. Dupleix's brilliant manouvres were successful and by December 1749 his candidates were supreme in the Deccan and the Carnatic. But soon the tide turned: Saunders succeeded to the governorship of Madras and realised the necessity of counteracting the French influence by sending help to Mohamad Ali. Clive persuaded the Governor to attack Arcot in order to relieve Mohammad Ali at Trichinopoly.

The capture and defence of Arcot will always remain a most memorable event in the annals of British India. It was there that Clive displayed his great qualities—his cool nerve and tremendous bravery, his unfailing judgment and enormous will power, his great resourcefulness and unmatched audacity—and his capacity for leadership and the Indian sepoy his ability, bravery, loyalty, fortitude and sacrifice. Arcot was captured and Trichinopoly relieved. Chanda Sahib was murdered and Mohammad Ali became supreme in Carnatic in

June 1752. Dupleix was planning to retrieve the position when he was recalled to France ; and there was lull in India for a short time.

The calm ended with the beginnings of hostilities in Europe in 1756. Clive who was now in Bengal at once seized Chandernagar. Lally, the French Commander, took Fort St. David. The French authorities at home were hard pressed and had no money or men, no ships or munitions to spare for India. Lally was handicapped: civil authorities at Pondicherry refused him money: D'Aché, the French naval commander, declined to give battle. Lally had to call Bussy from Hyderabad to attack Madras, leaving the Nizam a prey to English machinations. Lally was forced to retire from Madras. Forde, who was sent by Clive to the Deccan, captured Masaulipatam. The Nizam allied himself with the English and transferred the Sarkars to them. Lally tried to obtain mastery of the Carnatic, but he could not do much with the ragged, half-starved and half-mutinous troops. Coote took Wandewash. Lally tried to recapture it. A fierce battle took place and the English won a decisive victory on January 21st, 1760. The French Power was broken. Pondicherry was taken in 1761 and its fortifications destroyed. And the British finally triumphed over their great rival, the French.

V

Meanwhile important events were taking place in Bengal.

Siraj-ud-Daulah, the new Nawab of Bengal, irritated by the arrogance and unfriendly acts¹ of the English attacked Calcutta in 1756. The Governor (Drake) and the military commandant left the garrison to its fate—flying themselves to the British ships on the Hugli. After a short resistance Fort William surrendered and the tragedy of the so-called Black Hole took place.² Clive and Watson were sent from Madras to exact

¹ See the Despatch of the French Council in Keith: Speeches and Documents on Indian Policy. Vol. I., page 3.

² It is not necessary here to enter into the long controversy that has raged among historians on the question of the Black Hole. The majority of Indian writers and some of the English and foreign historians believe that the event never took place or if it did take place it must have been

restitution and reparation. They captured the Fort of Baj-Baj without delay and took Fort William on January 2nd, 1757. The Fort of Hugli was taken a week later. A treaty was concluded with the Nawab on the basis of restitution and compensation.

Clive settled down at Calcutta and began to intrigue with the ministers of the Nawab to overthrow him. He employed Omi Chand to negotiate with the ministers and entered into a treaty with the Nawab's Commander-in-Chief, Mir Jaffar. Clive cheated poor Omi Chand of his reward through fraud and forgery.¹ Thus fortified Clive marched to meet the Nawab's army towards Murshidabad. The fight took place at Plassey. The Nawab's army gave way. Siraj-ud-Daulah fled away in disguise but was captured and thrown into prison. He was murdered later by a son of Mir Jaffar. The treaty was kept by the British and Mir Jaffar was proclaimed the Nawab on June 27, 1757.

VI

By 1761 the English were masters of the situation: they had defeated the French and Siraj-ud-Daulah: they were supreme both in the South and the East. Luckily for them the greatest Indian Power of the time, the Marathas, who might have threatened their imperialistic plans, suffered a great set-back in 1761 by their defeat at Panipat. The way was thus open for the extension of British Dominion in India.

Clive clearly saw the future before the British in India. He very cleverly and securely laid the foundations of his Empire. Instead of following the policy of rapid expansion and armed conquest he proceeded warily and shrewdly, getting

on a very much smaller scale; otherwise it would not have escaped mention by contemporary writers or in the Bengal Council's despatches to the Court of Directors. M. Martineau, an ex-governor-general of French-India and a great French authority on this period is of opinion that "until further evidence is forthcoming" the documents already known are not sufficient "to pass a decisive judgment on the incident of the Black Hole."

¹ Attempt is made by some English writers to whitewash the conduct of Clive by an attack on the morality of Orientals and by saying that Clive only imitated the tactics of "the natives." But, surely, this can be no justification: Admiral Watson did not regard it so.

a grant of land here and the right of collecting and administering the revenue there, lest he should arouse serious opposition and the Indians should unite to turn out the foreigners.¹ Clive managed the situation beautifully. He recognised the sovereignty of the Moghul Emperor at Delhi and approached him on August 12, 1765 to cede to the Company the Sarkars, to separate Carnatic from Hyderabad, and to grant the Company the *Diwani*² of Bengal. He conciliated the Raja of Berar instead of capturing his territories to connect Bengal with the Sarkars. He did not annex Oudh after Buxar but made the Nawab his ally. He did not fight the Marathas but recognised their right to *Chouth* in Orissa. He allied himself with the Nizam to balance the power of the Peshwa in the Deccan. In this manner he fortified the position of the United East India Company and laid the foundations of the British Empire in the East.

¹ Writes Professor A. B. Keith in his Preface to "Speeches and Documents on Indian Policy":—"The stubborn resistance of Mir Kassim had impressed on him [Clive] the danger lest the natives, left without European allies, would find in their own resources means of carrying on war against us in a more soldierly manner than they ever thought of when their reliance on European allies encouraged their natural indolence."

² Clive had tried to persuade Pitt in 1759 to get the *Subaship* of Bengal for the English. See pages 13 to 18. Keith: *Speeches & Documents on Indian Policy.* Vol. I.

CHAPTER III.

THE BEGINNINGS OF BRITISH RULE.

I

The grant of Diwani in 1765 caused a great glee in the hearts of the Proprietors of the Company. They were dazzled by golden visions of the future. Clive estimated in 1765 the total revenue of Bengal at £4 millions, and the net income of the Company—after defraying all expenses—at £1,650,000. The stock of the Company went up to 267 and the dividends to 12½ per cent. in 1767. Servants of the Company took back with them tremendous fortunes and set themselves up in England as "Nabobs", with country seats and pocket boroughs.¹ The members of the House of Commons saw the opportunity of getting the much needed funds for the State and of justifying themselves in the eyes of their electors by making the Company pay. They were, however, guilty of a serious breach of trust in "tacitly conniving² at the misgovernment by requiring in 1767 an annual payment of £400,000 from the Company as the price³ of permission to remain in possession of the territories acquired by it in India."⁴ Ever since Montagu hit upon the plan⁵ the United Company had paid for the renewal of its powers. By 1750, the Company had lent in this way a sum of £4,200,000 to the State at the interest of 3 per cent. In 1767 Parliament passed an Act demanding the payment of £400,000 annually for two years in consideration of

¹ For a description of the typical *Nabob* see Disraeli's *Sybil* Chapter III.

² Burke contended that the ministers had "sanctified this bloodshed, this rapine, this villainy, this extortion . . . for the valuable consideration of £400,000. . . . This crime tax being agreed to, we heard no more of malpractices. . . ." Roberts: Chapter X. Cambridge History of India, Vol. V, page 188.

³ "Thus the State claimed its share of the Indian spoil, and asserted its right to control the sovereignty of Indian territories." Ilbert: *Historical Survey*. Page 39.

⁴ Keith: *Speeches and Documents on Indian Policy*. Vol. I, Page XI.

⁵ See page 9 *Supra*.

which the Company was to retain its territorial possessions and revenues for the same period. This agreement was extended for five years in 1769.

II

Meanwhile the position in India was growing very serious.

The possessions of the Company were grouped in three Presidencies. Each Presidency had its own government—the Governor and Council—separate and independent and responsible directly to the Directors in London. The Governor and the Councillors were appointed from among the senior servants of the Company by the Directors. The number of Councillors varied from twelve to sixteen, but some of them were often absent from the headquarters, being in charge of factories in the interior. The power was vested in the Governor and Council jointly and could only be exercised through a majority of votes. The members of the Council had become so scattered of late that it had grown very difficult to cope with business. Clive, was, therefore, allowed to delegate the functions of the Council to a Select Committee.

Difficulties were being experienced in Bengal, Bihar and Orissa in connection with the administration of justice. "By the Charter of 1753 Mayors' Courts had been established for the Presidency towns, with civil, criminal and ecclesiastical jurisdiction between Europeans in those towns or in factories dependent on them".¹ But since then the number of Englishmen in the *mufassal* in the Presidency of Bengal, Bihar and Orissa had greatly increased. "The Company had no authority by the law of England to punish them outside the jurisdiction of the Calcutta Mayor's Court, unless they came to England, in which case the evidence of witnesses might not be available".¹ It was felt that this difficulty could only be solved by the establishment of a Supreme Court in the Province.

Under the Governor and the Council was a body of civil and military servants classified into writers, factors—junior

¹ Yusuf Ali: The Making of India, pages 218 and 219.

and senior—and merchants. Their promotion was ordinarily regulated by seniority. Their salaries were ridiculously small : a writer of five years' standing getting only ten pounds a year, the pay of a Councillor was £80 a year and that of the Governor £300 per annum. But their gains were outrageously large. Experience had made them very skilful in the art of extracting presents, bribes and levies from the poor people.¹ In the words of Lecky : "Never before had the natives experienced a tyranny which was at once so skilful, so searching and so strong . . . whole districts which had been populous and flourishing were at last utterly depopulated, and it was noticed that on the appearance of a party of English merchants the villages were at once deserted and the shops shut, and the roads thronged with panic-stricken fugitives". The sufferings of the people reached their maximum in 1770-71 when owing to failure of crops severe famine visited Bengal. The servants of the Company were, however, so cruelly and shamelessly greedy that they made capital out of poor peoples' afflictions and utilised famine conditions for their private lucre. The looting² by the Company's servants was so heartless and cruel and the suffering of the people so intense that the members of the Parliament were at last moved to action.³ On the motion

¹ The Parliamentary Committee of 1773 traced nearly £6 millions thus extorted from the people during 1757-1766, excluding the amount received by Clive from Mir Jaffar. As already stated—see page 7 *supra*—the servants of the Company had the right of trading on their own account.

² Writes Horace Walpole :—

"Such scene of tyranny and plunder has been opened up as makes one shudder. . . . We are Spaniards in our lust for gold and Dutch in our delicacy of obtaining it".

Similarly the Earl of Chatham writes :—

"India teems with iniquities so rant, as to smell to earth and heaven". Quoted by Roberts : Chapter X. Cambridge History of India, Vol. V, pages 186 & 187.

³ "The enormous fortunes amassed by the Company's officers, the suspicions in the popular mind that the wealth of these 'Nabobs' was ill-gotten, the Parliamentary influence of the fortunes of the Company's servants exercised in England and a doubt whether a trading corporation could have a right to acquire on its own account, powers of territorial sovereignty—these things compelled the nation's attention to the affairs of the East India Company and the House of Commons appointed a committee to enquire and report into and report upon various matters connected with the Indian administration of the Company". Kale : Indian Administration, pages 17 & 18.

of Colonel Burgoyne¹ in the House of Commons a Select Committee of 31 members was appointed to enquire into the affairs of the East India Company on April 13, 1772.

Meanwhile the position of the Company was becoming very serious: it was rapidly heading towards bankruptcy. In August 1772 the officers of the Company approached Lord North for a loan confessing their inability to meet their expenses. Thanks to the rapacity of its servants the Company's income had rapidly dwindled. Its expenses had greatly increased owing to the extension of territory and the necessity of maintaining a large army and of going to war frequently. Recently the Company had suffered a heavy and expensive defeat at the hands of Haider Ali in the South. The Company was short of £1,293,000 for making the necessary payments in the next three months. Nothing but a loan from the State could save the Company from ruin.

On the reopening of the Parliament on the 26th November 1772, Lord North moved for the appointment of a Secret Committee to enquire into the affairs of the Company. The Committee issued its first report with great alacrity and the Parliament passed an Act in December 1772 restraining the Company from sending a Commission of supervision to India.

The Secret Committee continued its work and submitted its final report on May 3, 1773 as a result of which it was decided to regulate the government of the East Indies. Colonel Burgoyne and Sir William Meredith² made scathing criticism

¹ Rising to move his proposition, Colonel Burgoyne declared:—

"The most atrocious abuses that ever stained the name of civil government called for redress if by some means sovereignty and law are not separated from trade India and Great Britain will be sunk and overwhelmed never to rise again." He ended his speech as follows:—

"The fate of a great portion of the globe, the fate of great states in which your own is involved, the distresses of fifteen millions of people, the rights of humanity are involved in this question—Good God! What a call—the native of Hindustan born a slave—his neck bent from the very cradle to the yoke—by birth, by education, by climate, by religion, a patient, submissive, willing subject to eastern despotism, first begins to feel, first shakes his chains, ... under the pre-eminence of British tyranny."

Quoted by Roberts: Chapter X. Cambridge Indian History, Vol. V, page 186.

² "Merchant Sovereigns", said Sir William Meredith, "are always dangerous, for their rule of selling is to take as much as they please and the rule by which they buy is to pay as little as they please." Quoted by Chuni Lal Anand: History of Government in India. Part II, page 14.

of Indian administration on May 10th. On May 18th Lord North introduced his famous Bill, which became the Regulating Act of 1773. Another Act was passed by Parliament to solve the financial difficulties of the Company. By this Act a loan of £1,400,000 was granted by the State at 4 per cent. interest, and the annual payment of £400,000 was suspended until the loan had been discharged. The Company was prohibited from declaring a dividend of more than 6 per cent. as long as the money was not paid back. The dividend was not to be increased above 7 per cent. until the bond debt was reduced to £1,500,000. The Company was obliged to submit its accounts to the Treasury every half year. "It was restricted from accepting bills drawn by their servants in India for above £300,000 a year, and it was required to export to the British settlements within its limits British goods of a specified value".¹

III

From the very beginning the right of the Company (a trading corporation) to acquire political sovereignty on its own account was questioned and the Parliament was asked to intervene. But with the accumulating evidence of the misuse of political power by the servants of the Company, the feelings against the retention of territorial sovereignty by the Company were greatly strengthened. Attempts were made to take away political power from the Company but without success. But when the Company approached Parliament for financial help the opportunity was taken for regulating the administration of India—both at home and in India. This was done by the Regulating Act of 1773.

The Act of 1773 is of great constitutional importance because it definitely recognised the political functions of the Company, because it asserted for the first time the right of Parliament to dictate the form of Government in what were considered till then the private possessions of the Company²

¹ Ilbert: Historical Survey, Page 42.

² There was an important section of the people who regarded the Act of 1773 as a high-handed measure, which invaded the rights and property of a private corporation.

and because it is the first of a long series of Parliamentary Statutes that altered the form of government in India. The sole right of Parliament to impose whatever constitution it may deem fit or necessary on the people of India was finally and emphatically asserted in the Preamble of the Government of India Act, 1919.

The Home Government in 1773 consisted of the Court of Proprietors and the Court of Directors. The Directors, 24 in all, were elected annually by the proprietors possessing stock worth £500 from among those who owned stock worth £2,000 or more. The term of office of the Directors was too short for strength, stability or continuity of policy. They had, moreover, to please a large number of Proprietors to secure re-election and were thus under the undue influence of the Court of Proprietors. The Act of 1773 gave the vote only to those Proprietors who had owned £1,000 worth of stock for twelve months preceding the date of election and raised the term of office of Directors to four years, one-fourth of them retiring every year. The Directors were required to submit copies of letters and advices received from the Governor-General in Council—copies of the parts relating to the management of revenue to the Treasury and of the parts relating to the civil and military government to one of the Secretaries of State. All Governments in India were to pay due obedience to the orders of the Directors and were to keep them constantly informed of all matters affecting the interests of the Company.

Until the passing of the Act the three Presidencies were separate and independent of one another, having direct communication and relationship with the Court of Directors in London. The Act of 1773 took the first step in the unification of India. It appointed a Governor-General and four Councillors for the Presidency of Fort William in Bengal and vested in them not only "the whole civil and military government of the said Presidency, and also the ordering, management of and government of all territorial acquisitions and revenues in the kingdoms of Bengal, Bihar and Orissa . . .

to all intents and purposes whatsoever, as the same now are, or at any time heretofore might have been exercised by the President and Council or Select Committee, in the said kingdom",¹ but also the "power of superintending and controlling the government and management of the Presidencies of Madras, Bombay, and Bencoolen² respectively" as far as the making of war and peace was concerned, except in cases of emergency or direct orders from the Directors in London. The Governors in Council were required "to pay due obedience to such orders as they shall receive, touching the premisses", from the Governor-General in Council, to submit to them "advice and intelligence of all transactions and matters whatsoever that shall come to their knowledge, relating to the government, revenues, or interest of the Company", and to forward all rules and regulations framed by themselves. The offending Governors in Council could be suspended by the Governor-General in Council.³

The first Governor-General and his four Councillors were named in the Act. Warren Hastings, Esquire was to be the first Governor-General, and Lt.-General Clavering, the Hon'ble George Monson, Richard Barwell, Esquire, and Philip Francis, Esquire the first four members of the Council. They were to remain in office for five years, and were not "removable in the meantime, except by His Majesty . . . upon representation made by the Court of Directors".⁴ After the first five years the appointments were to be made by the Court of Directors.

The authority was vested in the Governor-General and the Council jointly and all matters were to be decided by the majority of those present. The Governor-General was given a casting vote in case of equality of votes due to death, removal or absence of any member of the Council.

¹ Clause VII. East India Company Act, 1773. (13 Geo. III, c. 63).

² Bencoolen or Fort Marlborough is in Sumatra and was given over to the Dutch in 1824 by the London Treaty. See Footnote 1, page 46, Ilbert: Historical Survey.

³ Clause IX of the Act.

⁴ Clause X of the Act.

The Governor-General in Council were empowered to make and issue "rules, ordinances, and regulations for the good order and civil government"¹ of the Company's settlement at Fort William and the factories and places subordinate thereto, provided that they were not "repugnant to the laws of the realm". The rules and regulations were not valid until "duly registered and published in the Supreme Court . . . with the consent and approbation of the said Court" and could be set aside by the King in Council on the application of any person or persons in India or in England.²

The Act of 1773 further empowered his Majesty to establish by charter or letters patent "A supreme court of judicature at Fort William . . . to consist of a chief justice and three other judges, being barristers in England or Ireland of not less than five years' standing, to be named from time to time by His Majesty". The Court was to have the power of trying civil, criminal, admiralty and ecclesiastical cases and "to appoint such clerks and other ministerial officers . . . , with such reasonable salaries, as shall be approved of by the said Governor-General in Council" and to frame such rules of procedure and to do such other things as might be found necessary for the administration of justice and the execution of powers conferred on it by the charter. The Supreme Court was also to be a court of record and a court of oyer and terminer, and gaol delivery in and for the town of Calcutta, the factory of Fort William and the other factories subordinate thereto.³ Its jurisdiction was to extend to all British subjects residing in Bengal, Bihar and Orissa, to cases of "complaints against any of his Majesty's subjects for any crimes, misdemeanours, or oppressions"; and to suits, actions or complaints against any person in the employment of the Company or of any of His Majesty's subjects.⁴ The Court was empowered to hear and determine suits and actions by His Majesty's subjects against "the inhabitants of the country"

1 Clause XXXVI of the Act.

2 Clause XXXVI of the Act.

3 Clause XIII of the Act.

4 Clause XIV of the Act.

residing in Bengal, Bihar and Orissa on any contract in writing involving more than Rs. 500 and providing for reference to the Supreme Court in case of dispute. The Act is silent as to the jurisdiction of the Court for other civil cases against "inhabitants" (i.e. where the parties have not agreed to refer cases to the Supreme Court), and in civil suits by "inhabitants" against British subjects or other "inhabitants". The Court possessed both original and appellate jurisdiction.

The Supreme Court was to try all cases by a jury of British subjects residing in Calcutta, and an appeal was to lie to the King in Council.

The Court was not competent to hear, try, or determine any indictment or information against the Governor-General or any member of his Council for any offence, not being treason or felony, alleged to have been committed by any of them in Bengal, Bihar or Orissa. And the Governor-General, members of the Council, and the judges of the Supreme Court were exempt from arrest or imprisonment in any action, suit or proceeding in the Supreme Court. This exemption was limited to civil cases only.

Such a Court was constituted by the Charter of March 26, 1774 with Sir Elijah Impey as Chief Justice and Chambers, Lemaistre and Hyde as the puisne judges.

The Governor-General, members of his Council and the judges of the Supreme Court were empowered and required to act as Justices of the Peace for the Settlement of Fort William and Factories subordinate thereto and to hold Quarter Sessions four times a year and be a court of record all the time.

The Act of 1773 besides introducing the above modifications in the constitution of the Government of India, tried to put down bribery and other abuses which were rampant among the servants of the Company in India.

The Act prohibited the Governor-General, members of his Council, and the judges of the Supreme Court from receiving directly or indirectly any presents, gratuities or pecuniary rewards and from engaging or being concerned in any trans-

actions, "by way of traffic or commerce of any kind whatsoever . . . (the trade and commerce of the said United Company only excepted)".¹ "No person holding or exercising any civil or military office under the Crown, or the said United Company in the East Indies, shall accept, receive or take, directly or indirectly . . . of and from any of the Indian princes or powers or their ministers or agents (or any of the natives of Asia) any present, gift, donation, gratuity, or reward, pecuniary or otherwise".² Offenders were to forfeit double the amount received and might be removed to England. No collector, supervisor or any other British subject concerned in the collection of revenue or administration of justice in Bengal, Bihar and Orissa was to be concerned, directly or indirectly, in trade, traffic or commerce, except on the Company's account. No British subject was to lend money at a higher rate of interest than 12 per cent. Servants of the Company convicted for breach of public trust, for embezzlement of public money or stores or for defrauding the Company by any court in India, could be fined, imprisoned and sent to England. If any Governor-General, Governor, member of Council, judge of the Supreme Court or any other servant of the Company commits any offence against the Act or is alleged to be guilty of any crime, misdemeanour, or offence against any British subject or inhabitant of India, he might be tried and punished by the Court of the King's Bench Division in England.

In order to place the Governor-General, members of Council and the judges above temptation they were provided with liberal salaries. The salary of the Governor-General was fixed at £25,000 annually, that of each member of the Council at £10,000, that of the Chief Justice at £8,000 and that of each puisne judge at £6,000 a year.

IV

"The object of the Act", said Mr. Bouten Rouse, when it came up for amendment before the House of Commons,

¹ Clause XXIII of the Act.

² Clause XXIV of the Act.

"was good, but the system that it established was imperfect". The imperfections were due not so much to haste, carelessness or laziness on the part of the authors but to the nature and the novelty of the problems with which they had to deal. It was fortunate for the British that the defects—which were many and serious—did not prove fatal.¹

In the first place, the Act did not clearly define the jurisdictions of the Governor-General in Council and the judges of the Supreme Court or their relationship with each other. The position was left dangerously vague and ambiguous—and it appears almost deliberately. The Governor-General did not derive all his powers from the Parliament. He also inherited some powers from the Subahs of Bengal, which were difficult to regulate by the Parliament as long as the Company was under the suzerainty—however shadowy—of the Mughal Emperor. All the same the Parliament was very suspicious of these powers under which the servants of the Company could oppress the inhabitants of the country. It was for this reason that the Supreme Court was vested with the extraordinary right of vetoing legislation passed by the Governor-General in Council. The object was apparently to place some check on the arbitrary powers of the chief servants of the Company. Lord North acknowledged this when he said in 1781:—"For his own part he was an enemy to absolute power, but if the genius, the habits and religious prejudices of Indians were inconsistent with a free government, the necessity would justify Parliament with a degree of absolute power, to be exercised by him [Governor-General] with moderation and discretion".² However, be that as it may, the ambiguity and the consequent clash of jurisdictions created a situation that bordered on anarchy in Bengal. The rivalry between the Governor-General in Council and the Supreme Court became

¹ "It [the Act of 1773] created a Governor-General who was powerless before his own Council, and an executive that was powerless before a Supreme Court, itself immune from all responsibility for peace and welfare of the country—a system that was made workable by the genius and fortitude of one great man". Report on Indian Constitutional Reforms, 1918. Page 17.

² Quoted from Hansard Vol. XXII, page 111, by Chuni Lal Anand: Introduction to the History of the Government of India" Part II, Page 22.

so acute as to necessitate the calling of the military by the civil authorities on one occasion.¹ Mr. Bouton Rouse, M.P. described the situation in the following words :—"Civil discord has taken place ; the powers of government are at war one with another ; and it would not much surprise me to learn by the next advices, either that the Supreme Court has inflicted death on the members of your government or that your Governor-General and Council have shipped off His Majesty's Judges for Great Britain".² The opposition crystalised itself round four points.³

The first point of conflict was the claim of the Supreme Court to serve writs on all the inhabitants of the country and to make them plead before itself. The Governor-General in Council successfully resisted the claim. Under the orders of the Council the Sheriff and his officers were prevented by a company of sepoy from executing a writ against a zamindar in what is known as *Cassijurah Case*. The Council's action was not questioned by the authorities in England, perhaps because it was felt that the Act was against the Court. As already stated,⁴ the jurisdiction of the Court over the inhabitants of the country was limited by the Act to cases of contract, where the parties had mutually agreed to refer disputes to the Supreme Court. The Court was, therefore, clearly in the wrong to force inhabitants of India to plead before itself.

The second point of difference was as to the jurisdiction over the revenue collectors of the Company for wrongs done in their official capacity. Here the Court was on a firm ground. The Act had expressly given this jurisdiction over the servants of the Company to the Supreme Court and the Company had no option but to acknowledge it—however distasteful it might have been to the officers of the Company. There were however questions to which the act gave no

¹ One of the results of this hostility was, in the words of the authors of the Montford Report, "comparative absence of legislation during 1773 and 1780".

² Chuni Lal Anand : History of the Government of India, Part II, p. 19.

³ Ilbert : Historical Survey, pages 54 to 56.

⁴ See page 27 *supra*.

answer:—Who were the servants of the Company? What actually constituted employment under the Company? And upon whom did the burden of proof lie? Were, for instance, the zamindars or the farmers of revenue Company's servants? The Court held that they were, but the persons concerned and the Company's chief officers did not accept the views of the Court.

The third point of conflict was the claim of the Court to try suits against the judicial officers of the Company for acts done in their official capacity. The Court had awarded heavy damages to an Indian plaintiff against the officers of the Patna Provincial Council, for actions done by them in their judicial capacity. The Supreme Court was acting within the jurisdiction in thus punishing the judicial officers of the Company—who were in every sense of the word servants of the Company. The only question was: whether the actions concerned were done *bona fide* in the discharge of judicial duty or not. Sir James Stephen holds the decision of the Supreme Court to be both just and technically sound.

The fourth point of quarrel was the refusal on the part of the Supreme Court to recognise the jurisdiction of the Provincial or country courts.¹ It released revenue defaulters imprisoned by Provincial Courts under writs of *habeas corpus*. When once the attorney of the Company pleaded the authority of the Provincial Court in reply to a writ of *habeas corpus* issued by the Supreme Court for the release of a district treasurer imprisoned on a charge of embezzlement, the Supreme Court replied "We know not what your Provincial Chief and the Council are: you might just as well have said that he was confined by the King of the fairies" Warren Hastings tried to remove this friction between the Supreme Court and the Country Courts by appointing the Chief Justice, Sir Elijah Impey, judge of the *Sadar Diwani Adalat*² as well, thus vest-

¹ See Section VIII of this Chapter for a description of the country courts.

² The *Sadar Diwani Adalat* was the highest civil court of the Company in Bengal. The *Sadar Diwani Adalat* and the Supreme Court were fused into one by the High Courts Act.

ing in him the appellate and revisional controls over the country courts. But that made Impey a servant of the Company which was inconsistent with his position as Chief Justice of the Supreme Court. The position was made worse by Impey's acceptance of a big salary from the Company as a Judge of the *Sadar Diwani Adalat*.

In the second place, the Act of 1773 did not make clear as to what law the Supreme Court was to administer. Was it to administer the personal law of the defendant (Mohammedan, Hindu or English law according to the community to which he belonged)? Or was it to administer the English law in all cases? The judges who were appointed were learned in English law and steeped in English traditions. They were altogether unfamiliar with codes of Indian laws, and the customs and traditions of the Indian people. Nor did they care to acquaint themselves with them. They imported wholesale the English system of law and procedure. The inhabitants of the country were horrified. "The astonished and terrified natives of Bengal, now beheld the extraordinary spectacle of English bailiffs, accompanied by considerable body of armed Europeans, traversing the country, at the distance of some hundreds of miles from Calcutta, to execute by force the decrees of the new judicature, founded upon laws and distinctions which they were utterly incapable of comprehending". In enforcing the decrees, the bailiffs, ignorant of the usages of the land, violently broke into the apartments of women and places of domestic worship, and idols which had been sanctified by the reverence of ages "were dragged from their places by profane hands, and thrown amongst the heap of household furniture and lumber, which was collected to answer the ends of the execution."¹ This naturally created great consternation and resentment and might have led to serious consequences, if the Governor-General in Council had not intervened and the Parliament had not passed the amending Act of 1781.

¹ Chuni Lal Anand : History of Government in India, Part II, pages 19 and 20.

Thirdly, the Act was defective in placing the Governor-General at the mercy of his Council. Among the Councillors that were appointed only one, Barwell had any experience of Indian administration. The other three, Francis, Clavering and Monson had no knowledge of Indian conditions. They came to India prejudiced against the Company and its servants, with their ideas and plans for governance formed beforehand, pledged to act together and concentrate all powers in their hands. As long as the combination lasted the Governor-General and Barwell were helpless: the opposition of the three was so reckless and uncompromising that by 1776 Warren Hastings was forced to think seriously of resignation. He went so far as to give conditional authority to his agents in London to tender his resignation. The resignation was accepted by the Court of Directors, who took immediate steps to fill the vacancy. But, in the meantime, Clavering died. Warren Hastings at once withdrew his authority and obtained an opinion from the Supreme Court that his resignation was invalid. Now that the combination could be defeated by the use of his casting vote Warren Hastings had no wish to relinquish such a lucrative post. He was allowed to retain his post, but the Parliament made provision in the Acts of 1793 and 1833 to prevent such occurrences in future. The resignation of the Governor-General was not to be valid until it was signified by a formal deed.

Lastly the changes made by the Act of 1773 in the constitution of the Home Government of the Company were not free from defects. The raising of the qualifications meant the disenfranchisement of 1246 small holders of stock and the transformation of the Court of Directors into a more or less permanent¹ oligarchy. The Ninth Report of the Select Committee of 1781 remarked:—"The whole of the regulations concerning the Court and Proprietors relied upon two principles, which have often proved fallacious, namely that small numbers were a security against faction and disorder, and that integrity

¹ Although $\frac{1}{4}$ th of the members of the Court of Directors were to retire every year, they were almost invariably re-elected.

of conduct would follow the greater property."¹ Mr. Roberts states in Chapter X of the Cambridge History of India, Vol. V., that "it was generally held that the Clause [relating to the change in the constitution of the Court of Directors] failed to attain its object".¹

V

A few years' working of the Act of 1773 forced the attention of the Parliament to its grave defects. In 1781 two Committees were appointed. One was to enquire into the administration of justice in India, and the other into the causes of the last Carnatic War and the state of government on the coast. The first committee presented its preliminary report in the same year, as a result of which the Amending Act of 1781 was passed.

The Act of 1781 tried to remove some of the defects of the 1773 Act.

In the first place, the Act of 1781 exempted the actions of the public servants of the Company done in official capacity from the jurisdiction of the Supreme Court. The Governor-General and Council, severally and jointly, were exempted from the jurisdiction of the court "for anything counselled, ordered or done by them in their public capacity" except for the orders affecting British subjects. The revenue collectors were similarly exempted from the jurisdiction of the Court in matters relating to the collection of revenue. And, lastly, the judicial officers of the Country Courts were not to be held liable for acts done in judicial capacity.²

In the second place, the Act of 1781 tried to settle the questions relating to the jurisdiction of the Court over servants of the Company and the inhabitants of the country. First, the Court was to have jurisdiction over *all* inhabitants of Calcutta, but was to administer the personal law of the defendants.

¹ Cambridge History of India, Vol. V., Page 189.

² The defendants in the Patna Case were to be released on the security of the Governor-General in Council for damages to the plaintiff and were to be free to appeal to the King in Council against the judgment of the Supreme Court. For reference see page 32 *supra*.

Second, the Company was to keep registers containing the names, occupations, etc. of its Indian employees. Third, the servants of the Company or of its British officers, or of any Britisher in India were to be subject to the jurisdiction of the Court only in actions for wrongs or trespass or civil cases by agreement of parties, but not in any matter of inheritance or succession to land or goods, or in any matter of business or contract. Fourth, "no person was to be subject to the jurisdiction of the Supreme Court by reason only of his being a 'landowner, or farmer of land or of land-rent or for receiving a payment or pension in lieu of any title to, or ancient possession of land or land-rent or for any compensation of share of profits for collecting rents payable to the public out of such lands or districts as are actually farmed by himself, or those who are his under-tenants in virtue of his farm, or for exercising within the said lands and farms any ordinary or local authority commonly annexed to the possession or farm thereof or by reason of his becoming security for the payment of rent.'"¹ Such persons, in other words, were not included among the servants of the Company.

In the third place, the Act of 1781 made clear as to what law was to be administered by the Supreme Court. The Act definitely laid down that all questions relating to "inheritance and succession, to lands, rents and goods, and all matters of contract and dealing between party and party, shall be determined in the case of Mohammedans, by the laws and usages of Mohammedans, and in the case of Gentus, by the laws and customs of the Gentus ; and where only one of the parties shall be a Mahommedan or a Gentu by the laws and usages of the defendant." In other words the Court was to administer the personal law of the defendant, whatever that may be, and not one uniform, foreign law. Second, it was laid down that the Court was to respect the religious usages and practices of the Indians, their social customs and traditions, including the recognition of the authority of fathers and masters of families, the rules and laws of caste, even if they were illegal and

¹ Ilbert : Historical Survey, Page 56.

criminal according to English law. Further, the religious and social customs of the inhabitants of the country were to be respected in making rules and forms for the execution of legal decrees and processes. Such rules and forms were to be submitted to a Secretary of State for the approval of the Crown.

In the fourth place, the Act recognised and confirmed the appellate jurisdiction of the Governor-General in Council or any Committee thereof in cases decided by the Country Courts. The Governor-General in Council was to be a Court of appeal and record and its judgments were to be final except in civil suits involving a sum of £5,000 or more in which case appeal lay to the King in Council. The Governor-General in Council was to act as a revenue court as well, hearing and determining actions for offences committed in the collection of revenue, provided it did not inflict death, maiming, or perpetual imprisonment as punishment.

Lastly, the Act of 1781 empowered the Governor-General in Council "to frame regulations for the Provincial Courts and Councils" from time to time. The regulations were to remain in force unless disallowed by the King in Council within two years. This was no new power. The Governor in Council had made regulations for the administration of justice in Bengal in 1772. The Act of 1773 had vested the Governor-General in Council with the power of making rules and regulations but had, at the same time, subjected it to the veto of the Supreme Court. The hostile relations prevailing between the Governor-General in Council and the Court made it difficult to frame new regulations after the passing of the Act of 1773, until in 1780 the Governor-General in Council decided to act against the law and to do without registration and sanction of the Supreme Court. In 1780 the Governor-General in Council framed additional regulations for the administration of justice in Provincial Courts and issued a revised code in 1781. Neither the additional regulations nor the revised code appear to have been registered or approved by the Supreme Court. The Act of 1781 vindicated the action of the Governor-General in Council by freeing them from the necessity of registering and getting

the sanction of the Supreme Court for their new regulations for the Provincial Courts and Councils”.

VI

The Act of 1781 strengthened the position of the Governor-General in Council : its provisions settled the disputed questions in their favour. But the reports of the Committees¹ appointed before the passing of the 1781 Act were very unfavourable to the system of executive and judicial administration of the territories of the Company in India and to the persons responsible for its administration. The House of Commons passed resolutions recalling Hastings and Impey, but they were kept in office by the Court of Proprietors in defiance of the wishes of the Parliament and the Court of Directors.² Dundas, who was in opposition, introduced a measure empowering the King to recall the principal servants of the Company and vesting the Governor-General with very large powers. But the Bill had no chance of passing. It, however, served the purpose of goading the ministry into action.

The ministerial Bill was introduced by Fox and was read for the first time in the House of Commons on November 20th, 1783. Fox characterised the existing system of Government as “a Government of anarchy and confusion”. His remedy was to bring the Home Government of the Company and its Officers abroad under the control of the British Government and to hand over the patronage of the Company to the Crown and his ministers. Fox proposed to abolish both the Court of Proprietors and the Court of Directors and to place the government of the Company under a Board of seven Commissioners with

¹ See page 35 *supra*. The first Committee did its work for several years after submitting the preliminary report mentioned on page 35.

² Hastings was afterwards impeached by the House of Commons before the Lords. The historical trial which began on the 13th February, 1788 lasted till the 23rd April, 1795 resulting in the acquittal of the accused and the laying down of the principle that—to use the words of Burke—“the laws of morality are the same everywhere and that there is no action which would pass for an action of extortion, of peculation, of bribery and of oppression in England that is not an act of extortion, peculation, bribery and oppression in Europe, Asia, Africa and all the world over.” Impeachment of Warren Hastings; Keith : *Speeches and Documents on Indian Policy* Vol. I., page 144.

power to appoint and remove officers in India and to administer the territories, revenues and commerce of the Company. The first Commissioners were to be named in the Act and were to remain in office for four years, and could only be removed by an address from one of the two Houses of Parliament. Vacancies in the Board were to be filled by the King. This Board of seven Commissioners was to be helped by a subordinate Board of Nine Assistants appointed by the Legislature from among the larger proprietors in managing the commercial affairs of the Company. They were to hold office for five years on the same terms of security as the Commissioners but vacancies in their rank were to be filled by the Proprietors themselves.

The Bill aroused a storm of opposition. It was severely criticised in the House by Grenville, Pitt, Wilberforce and others. The wholesale confiscation of the rights (secured by charter) of the Company was strongly resented. The attempt to increase the powers of the Crown was bitterly attacked. The effort of the ministry to grasp and control the wealth and influence of the Company and to use them for its own purposes was fiercely assailed. It was, on the whole, a very hot reception that the Bill received in the House of Commons though it reckoned Mr. Edmund Burke among its enthusiastic supporters. The ministry, though strongly disliked by the King, had a large majority in the House and in spite of the opposition carried the Bill through by 208 votes against 102. In the House of Lords the opposition was led by Lord Thurlow who denounced the measure as "a most atrocious violation of private property", and was backed by His Majesty, George III himself. The intervention of the King in violation of the constitutional principles resulted in defeating the measure. The King was able to get rid of the hated coalition and to entrust the formation of the ministry to the young but capable hands of Pitt, who managed the situation so well that in the election unwisely forced on him by the opposition, he turned his small minority into a substantial majority.

In returning to power Pitt again¹ assayed to solve the East Indian problem. Pitt's solution was essentially the same as that of Fox though Pitt was clever enough to make it appear different and palatable and acceptable to the Company. He left intact the rights of property and patronage to the Company and avoided radical alteration in the outward form of authority. Nevertheless the change he introduced was revolutionary in character and had the effect of placing the supreme authority in matters relating to the revenue, the civil and military administration in the hands of the British Government. Pitt's Act of 1784 established a system of Double Government in the "home" administration of India, which inspite of many defects and several changes in detail, lasted up till the end of the Mutiny, when the Government of India was at last transferred to the Crown.²

VII

Before dealing with the Act of 1784 it is convenient to describe here in brief the system of administration established by the East India Company as *Diwan* of Bengal, Bihar and Orissa. Prior to 1765 the *Subadar* or the Nawab of Bengal exercised both the functions of the *Nizam* and the *Diwan*. As *Nizam*, the Nawab was in charge of the military power and criminal justice ; and, as *Diwan*, he looked after the revenue work and the administration of civil justice. In 1765 the *Diwani* was conferred on the East India Company by the Moghul Emperor and although the *Nizamat* remained nominally in charge of the Nawab its actual control had passed into the hands of the Company—as the Nawab was a puppet in its hands. In February 1765 Mir Jafar died and the Company installed his minor-second son on the *Gadi*. "The Company

¹ The first Bill was introduced by Pitt early in 1784 but was defeated by the opposition which was in a majority at the time, i.e., before the dissolution of March 25, 1784.

² "The double Government established by Pitt's Act of 1784, with its cumbersome and dilatory procedure and its elaborate system of checks and counter-checks, though modified in detail, remained substantially in force until 1858." Ilbert : Historical Survey, Pages 66 & 67.

thus held the *Diwani* from the Emperor and the *Nizamat* from the Subadar."¹

To begin with, the Company left the work of both the *Diwani* and the *Nizamat* in the hands of the old Indian agency. It only imposed its supervision and control on the top. The Resident, Francis Sykes Esquire, at Murshidabad exercised supervisory functions and controlled the whole administration through Mohammad Raza Khan who combined in his person the two offices of the Deputy *Nizam* and the *Diwan*. In 1769 the Company appointed in addition supervisors to check the work of Indian subordinates in the Districts. In 1770 while the District Supervisors continued to act, two Boards of Control of Revenue were created at Murshidabad and Patna. "These Boards like the individuals who preceded them, had cognizance of judicial as well as revenue causes, in as much as they replaced the original *Diwani* authority at those stations."² The District supervisors and the provincial Boards of Control "developed a dangerous independence of the Calcutta Government" to curb which "the Council at Calcutta on April 1, 1771, formed itself into a Committee of Revenue and ordered the provincial bodies to submit their correspondence and accounts to it."¹

Warren Hastings took up the work of the *Diwani* in the spring of 1772. He found that the old system was defective and it led to injustice and tyranny. He dissolved the Calcutta Committee and the Murshidabad and Patna Boards and issued new settlement regulations to reorganise the revenue system. A supreme revenue authority was created at Calcutta where the whole Council was to sit as a Board of Revenue and in each District there were to be sets of independent officials to look after the work of collection. He transformed the District Supervisors into Collectors and to check his work he had "a native Naib *Diwan*, to act under him as head of the native revenue executive. All orders would issue from the Collector, signed with the Company's seal, and all funds pass

¹ Sir James Stephen quoted by F. E. Roberts : History of British India, page 159.

² Monkton Jones : Warren Hastings in Bengal, 1772—1774, page 288.

through his hands to the Treasury, but the Diwan would record each measure and register all accounts, sending in an independent report to the *Khalsa* (Treasury) now seated at Calcutta."¹

"At Calcutta the council sat in its new capacity as a Board of Revenue twice a week, 'for issuing the necessary orders to the collectors, inspecting, auditing and passing the accounts', etc."¹

This plan of 1772 put too much strain on the Council at Calcutta and hence a system of Provincial Councils was invented in 1774. Districts were combined into Divisions and for each of them was created "a chief and Council". There were six such Divisions and six Provincial Councils. "A Diwan was appointed to each Division to keep accounts and records in the native tongue and under him a Naib Diwan to each District as before."² Inspectors were to be sent from time to time to towns in the District and to check the work of the district agency. Owing to dissensions in the Supreme Council the Provincial Councils were not properly controlled. In 1776 Hastings remodelled the Provincial Councils but it was not till 1781 that he was able to achieve his final reform of concentrating all authority at Calcutta.

"In 1781 Hastings did at last achieve his revenue work and make the final long-sought correction. The Provincial Councils and Collectors were withdrawn and the administration of the revenue put into the hands of a Committee of four, Messrs. Anderson, Shore, Charters and Crofts. He writes:— 'They have no fixed salaries and are sworn to receive no perquisites. In lieu of both they are to draw a commission of 1% on the monthly amount of the net collections and double on the sums paid immediately in Calcutta. . . . ' He hoped thus to make great savings to the Company: 'the increase this year will be about 27 lacks and the saving of expenses 12, in all 39 lacks.' "³

¹ Monkton Jones: Warren Hastings in Bengal, 1772—1774, page 289.

² *Ibid.*, page 291.

³ *Ibid.*, page 292.

VIII.

Warren Hastings not only utilised the old Indian Agency for revenue collection and administration, but he also made full use of the old system of judicial administration. He believed in both the indigenous agency and the Indian system of law as best suited to local conditions. As remarked by Monkton Jones: "The first essential in his eyes was to retain the native magistracy and codes of law, recorded and oral, to which the people were accustomed."¹ Of course he did not retain the system in its old form or in its entirety but exercised his powers of discrimination and adoption. He drew up a scheme for this purpose which is known as the Plan of Justice of 1772.

Warren Hastings made the District the unit of administration for judicial as well as other purposes. In each district there was to be both a criminal and a civil court. "To this purpose he utilised the existing courts of the Daroga Adalat Diwani, better known as the Mofussil or provincial Diwani, for civil causes, and the Faujdari Adalat for crimes and misdemeanours."² The jurisdiction of each court was carefully defined.³ "Over the local civil courts, the European collectors of each district, and on their suppression, the Provincial Councils, were empowered to preside, in company with a provincial native diwan and officers, appointed by the President and the Council. Over the criminal courts the native officers alone presided, with two Maulvis or Mohammedan doctors to expound the law: the English Official possessed, however, a

¹ Monkton Jones: Warren Hastings in Bengal, 1772—1774, page 311.

² *Ibid*, page 312.

³ *Ibid*, pages 312-313:—(i) The Mufassil Diwani Adalat dealt with Civil causes which were grouped under three heads:—(a) property, *real* or personal; (b) Inheritance, marriage or caste disputes; and (c) Debt, contract rents etc. But from this distribution was excluded the right of succession to Zamindaris and Talukdaris, which was to be left to the decision of the President and Council.

(ii) The Faujdari Adalat dealt with Criminal causes which were also grouped under three heads:—(a) causes of murder, robbery, theft etc.; (b) Felonies, forgery, perjury; and (c) Assaults, frays, quarrels, adultery, and every other breach of the peace or trespass. Sentences of confiscation and of capital punishment required confirmation by the higher courts at Calcutta before they could be executed.

right of general supervision."¹ Besides the District civil and criminal courts, other local courts were swept away except that "the head farmer of each pargana was to settle on the spot small disputes up to the value of ten rupees, arising between the Ryots. . . . They were given no power to punish or fine and were themselves made liable to complaints brought against them in the newly instituted District Courts, a locked box to receive such complaints being provided outside each *Cutchery*."²

Over the District Courts Warren Hastings created the Courts of Appeal—the *Sadar* Courts at Calcutta. The *Sadar Diwani Adalat* consisted of the Governor and two members of the Council assisted by the Diwan of the Exchequer, the head Kanungo, etc. The *Sadar Nizamat (Fauzdari) Adalat* was presided over by the Nazim's deputy, a Mohammedan Judge, who was assisted by Maulvis or Mohammedan doctors of law. A power of general supervision over the Nizamat Adalat was reserved to the President and Council.

The Plan of Justice of 1772 did not only reorganise the system of civil and criminal courts both at the Capital and in the District but it also attempted to improve the practice of the law by laying down certain general principles. The chief of these were:—

- “(a) The recording of all procedure in the Courts of every degree.
- (b) A time limit set to all litigations, to prevent the raking up of old grievances. . . .
- (c) The abolition of legal ‘Chout’ and heavy fines.
- (d) The inhibition of the creditor's right of jurisdiction in his own cause, as in the case of Zamindars, Kanungoes, etc.
- (e) The encouragement of arbitration to settle cases of disputed property.”³

Warren Hastings was satisfied with the working of this

¹ Weitzmann : Warren Hastings and Philip Francis, page 60.

² Monkton Jones : Warren Hastings in Bengal, 1772-74, page 315.

³ *Ibid*, page 314.

system except that he disliked concentrating so much authority in the hands of the Collectors. This defect was removed by the institution of Provincial Councils in 1774. However, as pointed out above,¹ the working of the system of Provincial and district courts was interfered with by the Supreme Court which was set up under the authority of the Act of 1773. All the same the system continued to function. It was re-embodied in a new Code of Regulations issued in 1780 and reaffirmed by the Revised Code of 1793.

¹ See page 32 *supra*.

CHAPTER IV.

THE PERIOD OF DOUBLE GOVERNMENT.

I

By a curious coincidence the Company both gained and lost territorial sovereignty in India through the establishment of a system of dual or double government. It was Clive, who by obtaining—by the *Firman* of August 17, 1765—the grant of the Diwani of Bengal, Bihar and Orissa and thereby establishing a system¹ of dual government therein had gained territorial power for the Company ; and it was Pitt, who by the Act of 1784, created the double authority of the Board of Control and the Court of Directors and deprived the Company of the supreme and the ultimate control in the management of Indian affairs.

The Act of 1784 empowered² His Majesty to appoint six Commissioners from among the members of the Privy Council, two of whom were to be the Chancellor of the Exchequer and one of the Secretaries of the State, to constitute a Board of Control³ over the Board of Directors, superceding for all practical purposes, the Court of Proprietors.⁴ The Board was to act as a sort of annexe to the ministry, changing with every change in administration. "The said Secretary of State, and in his absence, the said Chancellor of the Exchequer, and in the absence of both of them, the senior⁵ of the said other

¹ A system "under which the Company, whilst assuming complete control over the revenues of the Country, and full powers of maintaining its military forces, left in other hands the responsibility for maintaining law and order through the agency of the courts of law." Ilbert : Historical Survey, Page 38.

² Clause I, Act of 1784. Keith : Speeches & Documents, Vol. I, page 96.

³ The formal title was "Commissioners for the Affairs of India."

⁴ The Court of Proprietors lost its chief governing faculty, for it was deprived of revoking or modifying any proceedings of the Court of Directors which had received the approval of the Board of Control". Ilbert : Historical Survey, Page 46, and see Chuni Lal Anand : History of Government in India, Part II, Page 27.

⁵ In practice the senior member became its president and an informal Secretary of State for India.

Commissioners. . . . shall preside at, and be president of the said Board".¹ He was to have a casting vote "in case the members present . . . [were] equally divided in opinion."² The quorum was fixed by the Act at three. The Commissioners were unpaid and had no power of patronage³ but were "authorised and empowered . . . to superintend, direct and control, all acts, operations, and concerns, which in any wise relate to the civil or military government or revenues of the British territorial possessions in the East Indies".⁴ The Board of Control was to "have access to all papers and muniments"⁵ of the Company and to "be furnished with such extracts and copies thereof, as they shall . . . require".⁵ The Court of Directors was required "to deliver to the said Board, copies of all minutes, orders, resolutions and other proceedings. . . of the said Company . . . ; and copies of Despatches"⁵ sent or received by the Directors or any Committee of the Court of Directors. The Commissioners had the power of modifying the despatches and requiring the Directors to send them so modified to their officers in India. The Board of Control had thus almost the same powers over the Court of Directors and the Company's servants in India as the Secretary of State was given by the Act of 1858 and subsequent statutes over the Governor-General and the Government of India. As a matter of fact Clause VI of the 1784 Act has been repeated in almost the same words in later statutes.⁶

The Board of Control was to issue orders and directions ordinarily to and through the Board of Directors but in certain cases the Commissioners could "send orders and instructions to the Secret Committee [consisting of not more than three

¹ Clause III of the Act. Keith : Speeches & Documents, Vol. I, page 96.

² Clause IV of the Act., *Ibid* Page 97.

³ Clause XVII of the Act., "That nothing in this Act contained shall extend unto this Board the power of nominating or appointing any of the servants of the said United Company. *Ibid*, page 102.

⁴ Clause VI of the Act. *Ibid*, page 97.

⁵ Clause XI of the Act. *Ibid*, page 98.

⁶ See, for instance, Clause II, Subsection 2 of the Consolidated Government of India Act. Bose : Working Constitution of India., page 104.

members chosen by the Directors from among themselves]¹ of the said Court of Directors . . . who shall thereupon, without disclosing the same, transmit their orders and despatches . . . to the respective governments and presidencies in India".²

The supreme control thus passed into the hands of the New Board though the Court of Directors continued to exercise powers of patronage and considerable influence over the Government of India almost up to the transference of the Government to the Crown. Write the authors of the Report on Indian Constitutional Reforms, 1918:—"We must not conclude, however, that the Supremacy of the President of the Board of Control left the Directors with no real control. Their position was still a strong one; the right of initiative still rested ordinarily with them, they were still the main repository of knowledge, and though the legal responsibility lay with Government, they exercised to the last a substantial influence upon details of administration."³

The Act of 1784 carried the unification of India one step further: it extended and defined the powers of the Governor-General in Council over the Governors in Council of Madras and Bombay. Clause XXXI laid down that the Governor-General in Council "shall have the power and authority to superintend, control and direct the several presidencies and governments . . . in all such points as relate to any transactions with the country powers, or to war or peace, or to the application of the revenues or forces . . . in time of war, or any such points as shall . . . be specially referred by the Court of Directors".⁴ A similar control over the Governor-General in Council was reserved to the Court of Directors.

The Act of 1784 affected the constitution of the Governor-

¹ Clause XVI of the Act, Keith : Speeches & Documents, Vol. I, page 101.

² Clause XV of the Act. *Ibid.*

³ Page 18, Paragraph 31.

⁴ Clause XXX of the Act. Keith : Speeches & Documents on Indian Policy, page 109.

General's and the Governors' Councils.¹ Each Council was to consist of three members, one of whom was to be the Commander-in-Chief. The appointments were to be made still by the Court of Directors, but the Crown was given the right "to remove or to recall"² the Company's servants. For the first time the Company's territories were called "the territorial possessions of this Kingdom", "the British possessions in India".³

The Company was asked to put her house in order and to carry out "every practical retrenchment and reduction" and to stop all schemes of conquest and extension of dominion. It was laid down that "to pursue schemes of conquest and extension of dominion in India are measures repugnant to the wish, the honour, and policy of this nation".⁴

The Act of 1784, lastly, tried to make a better provision for the trial in England of offences committed by the English in India. A special court, consisting of three judges, four peers and six members of the House of Commons, was created to deal with such cases.

The chief effect of the passing of the Act of 1784 was to transfer the real power in the Government of the country to the President of the Board of Control.⁵ This was due to several causes: the first President, Sir Henry Dundas, was a friend of Pitt and was able to assert the powers of the Board from the very beginning. The Directors who were poorly paid

¹ Clauses XVIII & XIX, of the Act. Keith : *Speeches & Documents on Indian Policy*, Vol. I., page 102.

² Clause XXII, *Ibid*, page 104.

³ Clause I, *Ibid*, page 96.

⁴ Clause XXXIV. *Ibid*, page 111.

⁵ Although the Act of 1784 had vested the control in the Board as a whole the actual power came to be concentrated in the hands of the President. Writes Professor Dodwell :—"This change was not effected without some ill-feeling. Henry Dundas had from the first been the moving spirit, to the great indignation of some of his colleagues, especially Lord Sydney, who protested against the way in which Dundas pushed the interest of Scotsmen in India. In 1786, it was intended to make the change formal; 'In which case', wrote Dundas, 'I suppose your humble servant not only in reality but declaredly will be understood as the Cabinet minister for India.' But although this idea was ultimately carried out by the withdrawal of the *ex-officio* members from attending at the Board, to the last the President required the formal assent, first of two and then of one of his colleagues to legalise his proceedings."

and depended for their chief gains on their power of patronage, were afraid of displeasing the Board of Control, lest they should lose even that power. The President of the Board was not required to lay any annual account before the Parliament and was practically irresponsible.¹ All these factors contributed to make the Board of Control and its President very powerful,² though Pitt had taken care to keep the position and the prestige of the Court of Directors unchanged.

The Act of 1784 had left the Government in India "vested in the majority of a constantly-changing Council".³ The defects of this system became very patent under the feeble rule of Warren Hastings' successor, Mr. Macpherson, who possessed no other qualifications for the office except seniority. Hence, when Lord Cornwallis⁴ was approached for accepting the office of the Governor-General, he stipulated a change in the system and an increase in his powers. Consequently, an Act was passed in 1786, which empowered the Governor-General—and Governors as well—to over-rule the Council in extraordinary cases; and enabled Lord Cornwallis to combine in his person the two offices of the Governor-General and the Commander-in-Chief. The Act also provided that no person, who has not served in India for twelve years or more, except in the case of the Commander-in-Chief, should be appointed as a member of the Governor-General or a Governor's Council. Another Act of the same session made the approbation of the King to the choice of the Governor-General unnecessary. A third Act dealt with judicial questions. It amended the constitution and procedure of the special court set up under the

¹ His position in the ministry depended upon his personality. So long as Dundas was the President he was included in the Cabinet, but several others—for instance, Minto—were not so included.

² See page 42, Thakore: Indian Administration to the Dawn of Responsible Government.

³ Chesney: Indian Polity, page 19.

⁴ Henry Dundas described Lord Cornwallis "as the fittest person in the world for the Government of India:—'Here there was no broken fortune to be mended! Here there was no avarice to be gratified! Here there was no beggarly mushroom kindred to be provided for! No crew of hungry followers gaping to be gorged.'" Quoted by Thakore from Mill & Wilson: History of India, Vol. V, Chapter IX in Indian Administration to the Dawn of Responsible Government, page 44.

Act of 1784.¹ It made it unnecessary for the Company's servants to disclose the amount of property brought back with them from India. It extended the jurisdiction of the Supreme Court at Calcutta to all criminal offences committed in any part of Asia, Africa or America within the limits of the Company's trade, and of the courts of oyer and terminer and jail delivery and of the Mayor's Court at Madras to all British subjects in both civil and criminal cases.²

Pitt had purposely refrained from defining the respective powers of the Board of Control and Directors in the Act of 1784 and had used ambiguous language to silence opposition. But once the Bill was put on the Statute Book and the need for keeping the Directors in good humour had passed, the ministry began to disclose its real object. Pitt, no less than Fox, was anxious to deprive the Company of all political power and to vest the real control of Indian affairs in the Board of Commissioners. It was for this purpose that the powers of the Board of Control were made so general and wide by the Act of 1784. From the very beginning the Board of Control assumed a stiff attitude and asserted its superiority and authority over the Directors. Several differences arose within the next three years, and, even when the Board of Control gave way, it was made clear that the Directors "were not to retain the slightest authority, in any other capacity than that of the blind and passive instruments of the superior power."³ In 1784, a serious and important difference arose between the two Boards, which was ended by the passing of the so-called "Declaratory" Act of 1788.

The Directors had questioned the authority of the Board of Control to send British (Royal) troops to India at the expense of the Company. But the Board of Control held that it had the power under the Act of 1784, and, consequently it sent four Royal regiments to India and charged their expenses to Indian revenues. The Directors protested against the action

¹ See page 49, *supra*.

² Mill : History of India, Vol. V., page 70.

³ See pages 67 & 68, Ilbert : Historical Survey.

taken by the Commissioners and questioned both the necessity and the desirability of sending out Royal troops as well as the powers of the Board of Control to charge the expenses to Indian revenues. They quoted the provisions of the Act of 1781, which were still unrepealed, according to which the Company could not be forced to pay the expenses of any troops except those requisitioned by it.

Pitt introduced a 'Declaratory' Bill to end such controversies once for all by placing the supreme authority in the hands of the Board of Control, without which, so Sir Henry Dundas contended, "the Board of Control would be a nugatory institution".¹ Various objections were raised. It was pointed out that the unlimited power of spending money would mean "the confiscation of the whole of the Company's property" as "the commercial funds of the Company were blended with the political".² To the sending out of the Royal troops to India two objections were urged. First, that the Company had all the troops it needed and that it was cheaper for the Company to raise troops in India than to send them from England; and, second, that it was unconstitutional for the Crown to maintain any troops for which money was not voted by the Parliament. Moreover, the sending of Royal troops would complicate the army organisation in India by mixing up the Company troops with the Royal regiments.

Pitt and Dundas tried to deal with these objections. The constitutional question that was raised was shelved by the Prime Minister by pointing out the unsatisfactory nature of the existing position in regard to the whole question of the Imperial army and navy. "The introduction of the present question would be, to excite attention and to apply reform to that important but defective part of the constitutional law".³ Pitt also recognised the difficulty of having two kinds of military establishments in India and told the House that all the army in India ought to belong to the King, and that plans were in

¹ Mill : History of India, Vol. V., page 78.

² *Ibid.*, page 75.

³ *Ibid.*, page 79.

preparation to affect this reform. The truth was, that both Pitt and Dundas were bent upon transferring all power in India to the Crown, i.e., to the ministry, and, inspite of the expressed wish of the Parliament and the Directors of the Company, their policy was to favour the extension of political power in India. As we shall see later, the Board of Control was able to carry this policy into effect through the ambition and co-operation of the men on the spot.

This bid for unlimited Power by the ministry led to considerable amount of opposition, suspicion and alarm, and Pitt, in order to allay them, added few more clauses for the purpose of putting certain limitations on the powers of the Board of Control. The number of troops which the Board could send was limited. The Board had no power of increasing the salary of the officers, or of ordering any gratuity for services performed, except with the concurrence of the Directors and the Parliament. And the Directors were to lay before Parliament the annual accounts of the Company's receipts and disbursements.

Thus ended the attempt to "declare" the meaning of the Act of 1784. It is not the business of Parliament to "declare" meaning of statutes—that is a work which is assigned to the judiciary. But "a declaratory bill, with enacting clauses" was "an absurdity which resembled a contradiction in terms. . . . It declared that a law without limiting clauses, and a law with them, was one and the same thing".¹

Before concluding this section it may be of value to describe a little more in detail the nature of the relationship that existed between the Board of Control and the Court of Directors. The relations varied from time to time as pointed out by Professor Dodwell. "Dundas almost invariably took a high hand with the Court. At one time he had even contemplated taking all the administration out of the hands of the Company and leaving it with nothing but the conduct of the East Indian trade. But this probably seemed to Pitt too near

¹ Mill : *History of India*, Vol. V, page 80.

an imitation of the bills of Fox, and even the hints which Dundas had let fall revived something of the language which had resounded through the country in 1783. . . . But though in this project Dundas was foiled, in lesser matters he had his own way".¹ On the other hand, the later Presidents did not feel so confident and strong as Dundas. For instance Castle-reagh wrote to Wellesley :—

"Your Lordship is aware how difficult and delicate a task it is for the person who fills my situation (particularly when strong feelings have been excited) to manage such a body as the Court of Directors so as to shield the person in yours from any unpleasant interference on their part".²

The way in which the double control of the Board of Control and the Court of Directors was exercised is graphically depicted by Professor Dodwell. He writes :—

"There were two recognised methods by which the orders to be transmitted to the governments in India might be prepared. In matters of urgency the President himself might cause a dispatch to be prepared, which was then sent to the Secret Committee, which could only sign it and send it off. Dispatches from India in like manner might be addressed to the Secret Committee, in which case they would only be laid before the Court of Directors if and when the President desired. But this was not the procedure generally adopted. Usually the chairman of the Court would informally propose a course of action to the President ; and the matter would be discussed between them, either in conversation or in private letters. The chairman then would informally propose a dispatch, which would be prepared at the India House, and sent to the Board of Control with a mass of documentary information on which the dispatch was founded. This was technically called a Previous Communication. It was returned with approval or correction to the Company and after reconsideration sent a second time to Westminster—the document on this second submission being called a Draft. This double sub-

¹ Cambridge History of India, Vol. V., page 314.

² *Ibid.*, page 315.

mission—informal and formal—resulted from the Clause in the Act of 1784 by which amendments had to be completed by the Board within fourteen days. After 1813 the term was extended to two months. If the Court concurred with the amendments, the dispatch would then be sent off ; but if they did not, the discussions might continue, in the last resort the Board securing obedience by a *mandamus* from the Court of King's Bench. The procedure renders it exceedingly difficult without the information afforded by private correspondence to define the actual part played by the various Presidents of the Board in the determination of policy ; the previous communications have seldom been preserved ; and so one seldom knows to what extent a Draft was influenced by the preliminary discussions between the President and the Chair. The system was certainly slow and clumsy. But the importance of such a defect was neutralised by the length of time that communications took to reach India, and the large degree of discretion which the Indian Governments naturally enjoyed. With all its defects it was a vast improvement over the ruinous system which had preceded it, when the ministry was seeking to control Indian policy by a system of influence, and when there was no certain line between the cabinet and head of the Indian administration such as was now provided by the ministry's share in the appointment of the Governor-General, and the possibility of sending direct orders from the ministry to the Governor-General through the President of the Board and the Secret Committee of the Court of Directors. In the last resort and in matters of real importance the ministry could enforce its will on the most factious Court of Directors or on the most independent of Governor-Generals; while no Governor-General was now exposed to the shocking danger which had confronted Warren Hastings of having to determine policy without even a probability of support from either side of the House of Commons."¹

¹ Cambridge History of India, Vol. V., pages 315 & 316.

II.

Lord Cornwallis came out to India in the double capacity of the Governor-General and the Commander-in-Chief, armed with the authority of overruling his Council under certain conditions, but with perfectly pacific intentions. He was, however, involved in a big war with Tippu, which was conducted by him in person with great ability and which resulted in the addition of the present districts of Malabar and Salem and part of the district of Madura to the Madras Presidency.

The Act of 1786 had given power to the Governor-General to overrule his Council, but not to act without its advice. So an Act was passed in 1791, "confirming the special powers the Council had provisionally conferred on him to act without them, until three months after the termination of the war".¹ This power was made general by later statutes.

The rule of Lord Cornwallis was a memorable one in the annals of Indian administration. Lord Cornwallis had come to India armed with exceptional powers; but with a sinister reputation of "the man who had lost America".² He was in India for seven years and during this period he not only won a great military victory³ but carried out far reaching reforms in the administrative, financial and judicial systems of British India.

Perhaps the greatest of his reforms was that of the public services—both civil and military—in India. The Indian public service was, in the words of Chesney, "saturated with venality and corruption and overlaid with a brutal coarseness and profligacy of manners".⁴ Mr. Vincent Smith mentions the example of the Resident of Benares whose estimated gains amounted to £40,000 a year,⁵ although the actual salary was very small. Indeed the chief reason of the prevailing corrup-

¹ Chesney : Indian Polity, page 22.

² Smith : Oxford History of India—quotation from Marshman. Lord Cornwallis was in command of the force which was compelled to surrender in York Town on the American Coast, in October 1781, page 558.

³ The Mysore War—ended by the Treaty of Seringapatam, 1792.

⁴ Chesney : Indian Polity, page 23.

⁵ Smith : Oxford History of India, page 557.

tion was "the old fashioned commercial view of the Directors, who liked to see small salaries shown in the accounts, while they were indifferent to the largeness of the unofficial perquisites appropriated by their servants".¹ Lord Cornwallis changed all this. He gave them liberal salaries, but forbade them recourse to other ways of raising an income. And, by his own example,² he set up a new and a higher standard of public service and purity.

Lord Cornwallis not only reformed the character of the public service but also reorganised the administrative system. He reorganised the districts and made the district the unit of Indian administration. Each district was to have a Collector for revenue administration, who was deprived of his judicial and magisterial functions; a civil court, presided over by a European Judge, who had also the powers of a magistrate and the control of the Police; and a police circle in charge of an Indian *Daroga* (Chief Constable) under the control of the District Judge. Criminal justice was to be administered by the Provincial Courts in circuit.

It is strange that the reasoning that led Lord Cornwallis to separate the revenue and the judicial functions should not have affected his decision to combine the judicial and the executive functions; but such is the fact. Lord Cornwallis deprived the Collector of judicial powers but gave the District Judge magisterial and police functions.

Three types of courts were created by Lord Cornwallis for the administration of civil justice. There were, first of all, the local courts in large towns and the district. In the large towns there were *munsif's* and *Amin's* courts to try cases of the value of Rs. 50 and under, and Registrar's courts for cases not exceeding Rs. 200 in value. In each district there was the district court presided over by a European Judge of a higher rank than the Collector, with a *Kazi* and a *Pandit*

¹ Smith: Oxford History of India, page 557.

² Lord Cornwallis was an honest, hardworking and public spirited ruler and he refused to take his share of the Seringapatam money. *Ibid.*, page 574

well versed in the Muhammedan and Hindu law respectively. The district courts not only had original jurisdiction but heard appeals from the *Munsifs'* and the Registrars' Courts. Secondly, there were created four Courts of Appeal, called the Provincial Courts, one in the vicinity of Calcutta and the other three at Patna, Dacca and Murshidabad. Three judges with a registrar and one or more assistants and three expounders of Indian law a *Kazi*, a *Moofiti*, and a *Pandit* formed the establishment of each court. They heard appeals from the different courts and their decision was final in all cases of the value of Rs. 1,000 and under. In cases over the value of Rs. 1,000 appeals lay to the Supreme Court at Calcutta, called the *Saddar Diwani Adalat*, which was composed of the Governor-General, the members of his Council, with a head *Kazi*, two *Moofitis*, two *Pandits* and a Registrar and a few other assistants. Appeals from the *Sadar Diwani Adalat* could be taken to the King in Council (the Privy Council) in cases involving sums exceeding Rs. 50,000.

For the administration of criminal justice the four provincial courts of appeal were vested with criminal jurisdiction, and they were to perform the business by circuit. The courts were to be held four times in a year in the district of Calcutta, twice in a year in the other districts and at the head-quarters of the provincial courts once every month. For circuit work each of the provincial courts was split up into two: one, consisting of the first judge, accompanied by the registrar and the *moofiti*; and the other, consisting of the remaining two judges attended by the second assistant and the *Kazi*. Above these circuit courts was constituted the *Sadar Nizamat Adalat*, consisting of the Governor-General, members of his Council, assisted by the head *Kazi* and two *Moofitis*. Besides the provincial courts and the *Sadar Nizamat Adalat*, there were the Justices of the Peace¹ in each district who could try cases involving sentences up to 15 days' imprisonment or fine up to Rs. 200.

¹ The District Judges, the Registrars and the *Amcens* were all Justices of the Peace as well.

Lastly, Lord Cornwallis tried to improve the system of police. The police powers had been vested in the zamindars, who had their own armed followers ; and *kotwals* in the cities, with their own armed followers. These were deprived of their powers. And instead a new system was created. Each district was divided into circles of about 20 miles each, and for each circle the district judge was to appoint a *Darogah* or head constable with a train of armed men. The big cities were divided into wards, each in charge of a *darogah* and his armed men. The *darogah* and his establishment was placed under the control of the district judge, who became the chief magistrate of the district, with powers of supervision and control over the police.

In the administrative reforms of Lord Cornwallis there are three points that need special mention. The first is that although members of the public services were allowed liberal salaries and were prohibited other fees, commissions, presents, etc., the Indian assistants were given very small salaries and sometimes even no salaries at all and were remunerated by fees or grants. The registrars, *muftis*, and *ameens* were allowed no salaries but a fee of one anna in a rupee and police *daroghas* only a salary of Rs. 25 a month plus Rs. 10 for every dacoit or brigand convicted, and a commission on stolen property recovered. The result was that the *daroghas* "were a terror to the well-disposed rather than to evil doers".¹ Secondly, although Lord Cornwallis ordered that all regulations issued so far by the Governor-General in Council "should be numbered, arranged, printed and circulated for the guidance of all concerned",² no attempt was made to codify the Indian laws. The opinions of the *Pandits* and the *Kazis* were liable to fluctuations and differences. "Everything was vague, everything uncertain, and by consequence arbitrary."³ And, thirdly, Lord Cornwallis followed "a policy of the systematic

¹ Smith : The Oxford History of India, page 570.

² Sapro : The Growth of the Indian Constitution & Administration, page 135.

³ Mill : History of British India, Book VI., page 432.

exclusion . . . of the natives of the country from all share in the administration".¹ Marshman has characterised it as "the great and radical error of Lord Cornwallis", and the unwisdom and injustice of this policy are now recognised by all.²

There is another very important reform of Lord Cornwallis, the most enduring of all his reforms, *i.e.*, the reform of the revenue, which used to be praised a great deal not very long ago,³ but which is now regarded as a blunder by the majority of writers. In 1793 Lord Cornwallis made the settlement of the land revenue in Bengal, Bihar and Orissa and in 1795 in the Benares Division, which was proclaimed as permanent. The making of the settlement permanent was opposed by Sir John Shore, who was the chief expert in the matter at the time, but was rushed through by Lord Cornwallis. Recently it has been very adversely criticised.

III

Towards the close of Lord Cornwallis' régime the question of the renewal of the Company's charter came up for discussion before the Parliament. The charter of the Company had been confirmed in 1773 for twenty years, and as this period was coming to an end the merchants and the manufacturers of England set on foot an agitation to effect the freedom of the Eastern trade. But the Board of Control and the Board of Directors had prepared their plan very cleverly. They had appointed a Committee of Directors to prepare

¹ Chesney : Indian Polity., page 25.

² Prof. Dodwell points out that there were several insurmountable legal difficulties in the way of the employment of Indians in the higher ranks. The Act of 1791 had laid down that "no office, place or employment, the salary, perquisites, and emoluments whereof shall exceed £500 *per annum* shall be conferred upon or granted to any of the said servants who shall not have been actually residents in India as a covenanted servant of the said Company for the space of three years at the least. . . ." Writes Prof. Dodwell : "Even had he [Lord Cornwallis] wished to do so, it would not have been legal for him to nominate an Indian to any post carrying more than £500 a year, for no Indian was a Company's servant within the meaning of the Acts". Cambridge History of India, Vol. V., page 319.

³ For an appreciation of the Permanent Settlement of 1793, read Dutt's History of Early British Rule in India.

their report on the subject of Eastern trade and plantations, which was to go before the House of Commons in due course. In the meantime, on February 25th, 1793, Sir Henry Dundas, the President of the Board of Control, made a statement before the House on the extremely satisfactory state of affairs in India at the time, and by offering illusory gains to the people, skilfully prepared the way for the renewal of the Charter. Pitt was then at the height of his power and the nation's interest was centred in the fight with France which had begun by the time the question of renewing the Charter came before the House. Under these circumstances it was not difficult for Dundas and Pitt to push through the renewal of the Charter. Consequently the Act of 1793 was passed, renewing Company's monopoly and power for another twenty years with only a few modifications.

IV

The Act of 1793 was a very long Act. It repealed several of the previous statutes and consolidated the law, but it did not make many alterations and amendments.

In the first place, Company's commercial monopoly in the East was renewed for 20 years. 3,000 tons were allowed for private trade to silence the opposition of the English merchants and manufacturers, but the right was so hedged about with restrictions¹ that "the merchants decided not to occupy the unprofitable channel"² thus opened to them.

In the second place, the Act made a provision for the payment of the members and the staff of the Board of Control out of Indian revenues, and started the unfortunate practice, which continued till the coming into force of the Government of India Act 1919 with undesirable effects.³ The Act of 1793

¹ The private traffic permitted was to be "subject to the restriction of not importing military stores, or importing piece goods, and subject also to the restriction of lodging imports in the Company's warehouses, and of disposing of them at the Company's sales". Mill: History of British India, Book VI, page 8.

² *Ibid.*, page 14.

³ The chief effect of paying the members and the staff of the Board of Control from Indian revenues was to diminish greatly the opportunities of Parliamentary control—as it is at the time of discussing the estimates that the work of each department comes in for close scrutiny in the Parliament.

further made it unnecessary for the two junior members of the Board of Control to be Privy Councillors.

Thirdly, the Act, in a number of elaborate sections, regulated the Company's finances. An annual surplus of £1,239,241 was assumed, out of which £500,000 were to go to the liquidation of the Company's debts, £500,000 were to be paid annually to the British Exchequer, and £100,000 were to be absorbed in increasing the dividend from 8 to 10 per cent. The Company was to raise a loan of two million pounds by adding new stock worth one million pounds, subscribed at 200 per cent. £100,000 was provided for the dividend of the new capital. The assumed surplus never materialised and Britain did not receive its share of £500,000 a year, though the shareholders benefited by the raising of the dividend from 8 to 10 per cent.

Fourthly, the Act of 1793 made a few slight modifications in the system of the government in India. The procedure in the Council of each presidency was regulated and the Governor-General and the Governors were given the power of overruling their Councils. The power of control exercised by the Governor-General over the governments of the other two presidencies was emphasised and it was provided that when on a visit to another presidency, the Governor-General was to supersede the Governor. No leave of absence out of India was to be allowed to the Governor-General, Governors, the Commander-in-Chief and a few other high officials, whilst they held the office. This was only altered in 1925 by a special Act of Parliament. The Governor-General was empowered to appoint a vice-president of the Council from among the members, to act for him during his visit to another presidency. The Commander-in-Chief¹ ceased to be a member of the Governor-General's Council, unless he was specially appointed a member by the Directors.

Fifthly, the admiralty jurisdiction of the Calcutta Supreme

¹ It was only in the case of Lord Cornwallis that the office of the Commander-in-Chief was combined with that of the Governor-General. See page 56 *supra*.

Court was extended to the high seas and power was given under the Act to appoint members of the civil service Justices of the Peace, to appoint scavengers for the presidency towns, to levy a sanitary rate and to forbid the sale of liquor without a license.

The rest of the Act was merely of a consolidating nature.

V.

The Act of 1793 reiterated that "to pursue schemes of conquest and extension of dominion in India are measures repugnant to the wish, honour, and policy of the nation." The Court of Directors was also, for reasons of its own,¹ opposed to the policy of conquest and extension. But the force of circumstances and the ambition of the men on the spot led to the adoption of just the opposite policy in actual practice. Lord Wellesley, during the seven years of his Governor-Generalship, enlarged the territories of the Company considerably and brought almost the whole of India—with the exception of the Punjab, Sind and Nepal—under the paramount influence of the British.

The Marquess of Wellesley was no believer in the theory of political equilibrium and he was determined to establish the supremacy of the British in India. He achieved his object through a double policy of conquest and subsidiary alliances. Those who accepted the relation of subordination, as did, e.g., the Nizam, and entered into a treaty of alliance were not only spared but also "protected"; but those who refused to recognise British Sovereignty as did, e.g., Tippu, were regarded as enemies and war was declared on them at the earliest suitable opportunity.

A treaty of "subsidiary alliance" implied four things. The Prince who entered into such a treaty agreed to give up all connection with the foreign European powers, especially the French; to refer all disputes with the neighbouring Princes to the arbitration of the British; to keep a British subsidiary

¹ The Directors disapproved of conquest and territorial expansion owing to the heavy expenditure they entailed and the decrease in the profits of the Company.

force ; and to cede a certain amount of territory to the Company, for its maintenance.

The effects of such subordinate alliances were disastrous on the Princes. In the words of Torrens ; "It was the glove of mail courteously but undisguisedly laid upon the shoulder of the Native Ruler, with an irresistible but patronizing air, felt to be a little heavy and a little hard at first, but soon destined to become habitual. Slowly but steadily it begot that sense of security and irresponsibility in the Prince and his advisers which has ever proved to be the jangrene of authority, for which there is no cure".¹ These alliances removed the chief incentive for efficiency and good administration in the states thus protected. Sir Thomas Munro gave it as his confirmed opinion "that the subsidiary system must everywhere run its course and destroy every government it undertakes to protect".² Is it a wonder, then, that the warlike and ambitious Princes like Tippu and the three Maratha Chiefs—Holkar, Sindhia and Bhonsle—refused to accept a subsidiary alliance? They had no doubt to face the wrath of Wellesley and one of them not only lost his State but also his life in the fight.

Lord Wellesley is famous in Indian History for his wars and conquests. He defied the Board of Directors and consolidated British dominion in India. As a result of war with Tippu the Company gained the present districts of Kanara and Coimbatore and the Wynaad and Neilgherry hills. The Nizam ceded the districts of Bellary and Cuddapah in payment for the subsidiary force. Taking advantage of the succession dispute Lord Wellesley annexed the principality of Tanjore, "the most famous tract in Southern India".³ He also annexed the territories of the Nawab of Carnatic as a price for conferring the titular rank on the nephew of the late Nawab and added the districts of Nellore, North and South

¹ Sapre : The Growth of the Indian Constitution & Administration, page 62.

² *Ibid.*, page 63.

³ Chesney : Indian Polity, page 27.

Arcot, Trichinopoly and Tinnevely to the Madras Presidency. Surat was annexed at the death of the old Nawab and the boy Nawab of Farrukhabad was made to cede his possessions to the Company. The Nawab of Oudh was forced to submit to an enhancement of the subsidiary force and made to cede almost the whole of Rohilkhand, part of the Doab, including Allahabad and Cawnpore and the country north of the Ganges, comprising the present districts of Azamgarh and Gorakhpur.

Lord Wellesley had approached Nana Farnavis, the great Maratha minister for a subsidiary alliance, but the wise Nana had refused. Since then Lord Wellesley was waiting for an opportunity to strike a heavy blow at the Maratha Confederacy. His chance came very soon after the death of Nana Farnavis. Peshwa Baji Rao had alienated the Maratha chiefs by his thoughtless policy of revenge, and had to flee from Poona after a defeat by Jaswant Rao Holkar. Baji Rao fled to Bassein and agreed to a treaty of subsidiary alliance with the British, ceding territory worth 26 lakhs to the Company for the maintenance of the subsidiary force. The Maratha Chiefs refused to recognise the treaty and Lord Wellesley began operations against them simultaneously in the different parts of India. General Wellesley, Marquess Wellesley's brother, who later became the Duke of Wellington, defeated the combined armies of Sindhia and Bhonsle at Assaye and of Bhonsle at Argaon. Lord Lake attacked Sindhia's army in the North, captured Delhi and Agra and defeated it at Laswary. Another column was sent to Cuttack and the Raja was forced to cede the principality to the Company. Two treaties were concluded, one with Bhonsle at Deogaon and the other with Sindhia at Sirji Anjangaon, by which the English gained a large amount of territory (including all the territory between Jumna and the Ganges)¹ and forced the Chiefs to keep subsidiary forces.

A different fate, however, met the army under Colonel

¹ The territory which the Company gained by the Second Maratha War was as follows :—the whole of the territory between the Ganges and the Jumna, comprising the present districts of Etawa, Manipur, Aligarh, Bulandshahar, Meerut, Muzaffarnagar, Saharanpur, Agra and Muttra on the right bank of Jumna; and the territory west of Jumna comprising of Gargaon, Delhi, Rohtak, Hansi, Sarsa and Panipat.

Monson, which was pursuing Holkar. The English army was defeated and was forced to make a disastrous retreat through Central India. Holkar went on with his march northwards and reached as far as the Indus, extracting tributes from the Rajputana Princes on the way. Lord Lake laid siege to Bharatpur but did not attack Holkar's army. The siege failed. Sindhia joined Holkar and attacked Bhopal, an ally of the English. The Directors got alarmed and at last succeeded in getting the Marquess of Wellesley recalled. But the Marquess had already achieved his main objects:—He had got rid of the French influence in India and their great Indian ally, Tippu, the Sultan of Mysore. He had reduced the Nizam to a subordinate ally; and he had weakened the powers of the Marathas and extended very largely¹ the British dominion in India. To train English officers for the work of administration in India, Lord Wellesley opened a college at Calcutta, which was to give them "an intimate acquaintance with the history, languages, customs and manners of the people of India and with the Mohammedan and Hindoo codes of law and religion".² The Directors did not approve of the idea and ordered the closing of the college at Calcutta and started the Haileybury College in England in its stead. Mr. Havell has called this as "one of the political blunders made by the Directors which has never been remedied".²

VI.

After the passing of the Act of 1793, Parliament had little time and opportunity of looking into Indian affairs until its attention was forced on them by an appeal for financial help from the Company in 1808. However, a few Acts were passed

¹ Sir Alfred Lyall has thus summarised the conquests of Marquess Wellesley:—"By occupying the imperial cities of Dehli and Agra with the contiguous tracts on both sides of the Jumna, and by annexing the whole country between the Ganges and the Jumna rivers, he carried forward British territory from Bengal northwards to the mountains with a frontier resting upon the upper course of the Jumna; and by his acquisitions of the Cuttack Province he secured the continuity of British southwestward along the sea-coast, joined the two presidencies of Bengal and Madras and established sure communications between them". Lyall: *Rise and Expansion of British Dominion in India*, page 231.

² Havell: *A short History of India*, page 228.

during this period. The first was passed in 1797. It prohibited, under heavy penalties, unauthorised loans by British subjects to Indian Princes,¹ as the system of unauthorised loans had produced grave scandals, which were exposed by Burke in his speech on the debts of the Nawab of Arcot.

Secondly, the Act of 1797 confirmed the Regulation of 1793 (No. 41) and directed that the regulations affecting the legal relations of individuals passed by the Governor-General in Council be registered in the judicial department and formed into regular codes and printed, with translations in Indian languages. Provincial courts were bound by these codes and copies were to be sent every year to both the Board of Directors and the Board of Control in England.

Thirdly, the Act reduced the number of Judges of the Supreme Court at Calcutta to three and authorised the establishment of a recorder's court, in place of the mayor's court, at Madras and Bombay.

Lastly, the Governor-General in Council were given an additional power to legislate for the local needs of the Presidency of Bengal.

In 1799, an Act was passed giving the Company further powers of raising, on certain conditions, more European troops. The Crown was empowered to recruit 3,000 men for service in India and to transfer them to the Company at the stipulated rate of payment. The Company was given the authority of training these recruits and officering them, but their number was not to exceed 2,000 at any one time.

A third Act was passed in 1800 to provide for the constitution of a Supreme Court at Madras. The jurisdiction of the Calcutta Supreme Court was extended to Benares and other districts which had been or might thereafter be annexed to the Presidency of Bengal.

Another Act was passed in 1807, which extended the power of appointing Justices of the Peace and of making

¹ The same provision was reproduced in the Consolidating Act of 1915, Section 125.

regulations to the Governors in Council of Bombay and Madras. The regulations were to be approved by the Supreme Court and registered at the Recorder's Court in each presidency.

VII

The wars of Lord Wellesley had added enormously to the debt of the Company. Within five years it was more than doubled, until in 1805 it stood at £21 millions, with an annual interest of £1,791,000.¹ The Company's trade also experienced a decline. In 1808, the Court of Directors experienced a great embarrassment by a run upon their treasury and in order to meet it appealed to the Parliament. In its petition the Company asked for the return of £1,200,000 due to it from the Government and a loan of the like sum to enable it to meet the run. A committee was appointed on the 11th March, 1808 to inquire into the state of affairs in India as a preliminary to the grant of the money.² The Report was received on the 13th June and a sum not exceeding £1,500,000 was to be handed over to the Company on its old account. The Company was allowed a loan of a million and a half in 1811, and in 1812 it was allowed to raise a loan of £2 millions upon bond. The Parliament allowed a further loan to the Company of 2½ million pounds in June 1812.³

The Committee of 1808 went on with its work of examining the affairs of the Company for five years and produced five reports, of which the fifth report is the most important. It was published in July 1812, and, according to Ilbert "is still a standard authority on Indian land tenures, and the best authority on the judicial and police arrangements of the time".⁴ So by the time the question of renewing the charter came up before the Parliament a thorough investigation had been made in Indian affairs.

Meanwhile correspondence was going on between the

¹ Mill & Wilson: History of British India, Vol. VII., pages 485 & 486.

² *Ibid.*, page 168.

³ *Ibid.*, pages 454 & 455.

⁴ Ilbert: Historical Survey, page 73.

Board of Control and the Court of Directors as to the terms on which the ministry could recommend to the Parliament the renewal of the Charter. But in order to bring pressure to bear on the Company and to provide against eventualities the Parliament gave three years' notice to the Company that on the 10th April, 1814, the Company's commercial privileges would come to an end. On the other hand, the Company presented a petition to the Commons on 22nd February, 1813, for the renewal of the Charter. On March 22nd, the Government presented 13 resolutions to the House, "which proposed to renew the charter of the Company for a further period, to continue to them during that term the exclusive right of trading with China, but admitting to the trade with India, under certain restrictions, the mercantile community of Great Britain".¹ The Company submitted its objections to the Government resolutions and requested the Parliament to allow it to produce evidence in support of them. The two Houses accepted the request of the Company and decided to examine its witnesses before discussing the resolutions. Many of the most distinguished servants of the Company, including the venerable Warren Hastings,² Lord Teignmouth, Colonels Malcolm and Munro, appeared as witnesses and supported the contentions of the Directors. But the times had changed and the opinions of these experts on Indian affairs made very little impression.

The Company's claim was a two-fold one. In the first instance, the Court of Directors laid a claim to all the Indian territories in the Company's possession, as they had been conquered by them with their own money and asserted their right of administering them. There was not much discussion on this point as it was not proposed to deprive the Company of its political powers,³ although the Charter Act of 1813

¹ Mill & Wilson: *History of British India*, Vol. VII., pages 509 & 510.

² When Warren Hastings entered the Houses of Parliament the members of each house rose from their seats to show their respect to the great Empire Builder and remained standing till he had taken his seat near the Bar.

³ The public was either indifferent to this branch of the discussions, or preferred that the territory of India should be administered through the Company; as the distribution of the patronage which it secured to those that had the nomination to the greater portion of Indian appointments

asserted in very clear words "the undoubted sovereignty of the Crown of the United Kingdom of Great Britain and Ireland in and over"¹ the Indian territories of the Company.

Secondly, the Company asked for the renewal of its commercial privileges. Till then the Company had enjoyed the monopoly of both the China and the Indian trade. As far as the trade with China was concerned the Ministry proposed to keep it still in the hands of the Company. There were important reasons for this proposal. The Chinese trade was carried on under very peculiar circumstances; "the Chinese Government entertained a violent jealousy of foreign intercourse, and confined the trade not only to a single port but to a single society [called the Hong] interdicting the rest of its subjects from trafficking with strangers. There was no field, therefore, for competition."² On the other hand, "there was great reason to apprehend that from the ignorance or incaution of British traders and sailors, subject to no national control, and setting the Chinese authorities at defiance, frequent interruption, if not a total stop to the trade, would occur; to the serious discontent of the people of England, to whom tea had become a necessity of life, and to the irreparable injury of the revenue, which realised nearly four millions a year of duty upon this article of trade."³ It was for these weighty reasons that the Government had determined from the first to uphold this monopoly and to exclude private traders from the China trade.

However, the position was quite a different one as far as the trade with India was concerned; and the attacks of the opponents of the Company were chiefly directed against the monopoly of the Indian trade. A strong agitation was being carried on by merchants, shipowners and manufacturers from

was safer in their hands than in those of the ministers, and more likely to be innocuously distributed and not in danger of being used as an instrument of Parliamentary corruption. . . ." Mill & Wilson: *History of British India*, Vol. VII., page 511.

¹ Preamble of the Act quoted by Ilbert in his *Historical introduction*, page 78.

² Mill & Wilson: *History of British India*, Vol. VII., page 512.

³ From Sir G. Stampton's "Considerations on the China trade" quoted by Mill & Wilson: *History of British India*, Vol. VII., pages 511 and 512.

all over the United Kingdom and petitions were pouring in from all parts—from London, Bristol, Liverpool, Glasgow, Birmingham, Manchester, Sheffield, Nottingham, Blackburn, Paisley, Dundee, Perth, Belfast and other towns—requesting the Parliament not to grant the renewal of the monopoly of the Indian trade to the Company but to throw it open to all British subjects. The petitioners asserted the right of each person in the United Kingdom to unrestricted trade and commerce. They quoted Adam Smith and his anti-monopoly arguments and his reasons in favour of free trade. And among the advantages that would accrue to Britain by the abolition of the monopoly, they mentioned especially four :—(1) the extension of British commerce and industry ; (2) the prevention of the diversion of Indian trade to other countries of Europe or America ; (3) the reduction in the cost of trade—especially in transportation and warehousing charges ; and (4) the cheapening of the Indian raw imports into Britain.¹ The Company, on the other hand, called these advantages illusory. Indian trade was not paying at all and the habits and standards of Indians were such that no expansion was possible. The Directors pointed out a large number of practical difficulties and asserted dogmatically that freedom of trade with India would bring ruin on the Company and end the British Empire in the East. And they got their distinguished servants like Warren Hastings, Teignmouth, Malcolm and Munro to support their views. But, as pointed out by Wilson in his continuation of Mill's History of British India, the decision to throw open the Indian trade was not made as a result of weighing the above arguments carefully ; it was the hope of relieving the severe distress caused to British commerce and industry by Napoleon's decrees that was mainly responsible for it.

In the discussion on the 13 resolutions in the Parliament three important questions were raised :—(1) the desirability or otherwise of British colonization in India and the affects of the freedom of trade on it ; (2) the results of the abolition of

¹ Shah : History of Indian Tariffs, page 103.

the Company's trade monopoly on the people and industries of India ; and (3) the need of missionary propaganda in India and its effects on the Indian people.

The Company and its supporters—including its old servants—took it for granted that “an unlimited and enormous influx of Europeans would follow the opening of the trade, and that the Europeans would settle as colonists.”¹ They painted the results of European settlement in India in lurid colours. Warren Hastings gave “it out as his opinion, that if Europeans were admitted generally to go into the country, to mix with the inhabitants or form establishments amongst them, the consequence would certainly, inevitably be the ruin of the country ; they would insult, plunder, and oppress the natives, and no laws enacted from home could prevent them from committing acts of licentiousness of every kind with impunity. A general feeling of hostility to the Government would be excited, and although the armed force might be of sufficient strength to suppress any overt acts of insurrection, yet the stability of the Empire must be endangered by universal discontent.” The speech of Mr. Charles Grant in the House of Commons was keyed to a still higher pitch and the notes were very shrill indeed, so much so that Ilbert remarks :—“That their apprehensions were unfounded, no one who is acquainted with the history of present conditions of British India would venture to deny. But they were expressed by the advocates of the Company in language of unjustifiable intemperence and exaggeration.”³ A compromise was arrived at, by which Europeans were allowed to proceed to India under a strict license system. They were, however, prohibited from holding land in India and were required to preserve “the authority of the local governments respecting the intercourse of Europeans with the interior of the Country.”⁴

¹ Mill & Wilson : History of British India, Vol. VII., page 526.

² *Ibid.*, pages 524 and 525.

³ Ilbert : Historical Introduction to the Government of India, page 75.

⁴ See the 13th resolution—Appendix X, Mill and Wilson : History of British India, Vol. VII, page 608.

Secondly, a great deal was said as to the beneficial results that the opening of the trade and the cheapening of commerce would bring to the people of India. And this when some of the chief exports of India were either prohibited or heavily taxed in the English market. Mr. Tierney exposed the hollowness and insincerity of these professions of benefitting India and challenged "any one to point out anything like the good of India being the object of any of the Resolutions."¹ He tore open the mask and declared: "If instead of calling themselves the friends of that country they should profess themselves as its enemies, what more could they do than advise the endeavour to crush all Indian manufacturers?" The truth is as stated by Dr. Shah in his *History of Indian Tariffs*²: "The cry for free Trade with India did not mean, and was not intended to mean, free trade between England and India. It was a selfish and interested cry directed against the monopoly of the East India Company."³

Another question that was very hotly discussed was the desirability of carrying on an intensive and an extensive missionary propaganda in India. The Company and the ministry were both willing to make provision for recognising and encouraging Christianity and it was laid down in the 11th resolution: "That it is expedient that the Church Establishment in the British territories in the East Indies should be placed under the superintendence of a Bishop and three Archdeacons; and that adequate provision should be made, from the territorial revenues of India, for their maintenance."⁴ But this did not satisfy the leaders of the Evangelical party both inside and outside the Parliament. They carried on a strong agitation for giving full facilities to the missionaries to go to India and to spread the gospel of Christ among the heathens of India. Mr. Wilberforce voiced their opinion in the House of Commons. He attacked the character and religious prac-

¹ Mill & Wilson: *History of British India*, Vol. VII, Page 539.

² Shah: *History of Indian Tariffs*, Page 105.

³ For the results of the policy of open trade in India, see *Ibid*, Pages 104 to 106 and 134 to 150.

⁴ Mill & Wilson: *History of British India*, Vol. VII, Page 607.

tices of the Hindus and pleaded eloquently for the up-lift of "those miserable beings bowed down under the yoke which oppressed them." Mr. Lushington and Mr. Marsh replied to Mr. Wilberforce:—"The doctrine that the people of India were so brutalized by the grossness of their superstition, as to be incapable of any redeeming virtue," said Mr. Marsh, was "founded on the falsest assumption ; and vindicated their moral and intellectual worth from the calumnies with which it had been assailed by partial and prejudiced testimony. The moral obligation to diffuse Christianity, binding and authoritative as he admitted it to be, vanished when placed against the ills and mischiefs which were likely to follow its application to India."¹ He pleaded for the continuance of the old policy of non-interference and prophesied that "a departure from that policy would shake our empire in that part of the world to its centre".² Lord Teignmouth, though himself a believer in the Evangelical school, deprecated any interference with the religious beliefs and superstitions of the Indian people.

However, the feeling in the country was so strong that it forced the Government to give way and consequently it was laid down in the 13th and the last resolution "that it is the duty of this country to promote the interest and happiness of the native inhabitants of the British dominions in India, and that such measures ought to be adopted as may tend to the introduction amongst them of useful knowledge, and of religious and moral developments".³ And "sufficient facilities" were to be afforded to persons who wished to go out to India in furtherance of these objects.⁴

On the basis of the 13 resolutions, which were approved of by both the Houses of Parliament, the Act of 1813 was passed renewing the Charter of the East India Company. The Act,

¹ Mill & Wilson : History of British India, Vol. VII, Page 550.

² *Ibid*, Page 548.

³ *Ibid*, page 608.

⁴ The remarks of Ilbert on the 13th Resolution are worthy of note :—"One discerns the planter following in the wake of the missionary, each watched with a jealous eye by the Company's servants." Page 72, Historical Introduction. See also Shaw : The Man of Destiny, Plays Pleasant and Unpleasant, Vol. II, page 201.

while preserving the sovereignty of the Crown granted the Indian possessions and revenues to the Company, with the monopoly of the China trade and the tea trade for a further term of twenty years.

Secondly, the Act of 1813, threw open the general Indian trade to all British merchants, subject to various restrictions laid down in the body of the Act. It empowered the Directors and, on their refusal, the Board of Control to grant licenses to persons wishing to proceed to India for the purpose of enlightening or reforming Indians or "for other lawful purposes". It made the unlicensed persons liable to punishment as interlopers.

Thirdly, the Act regulated the application of Indian revenues. It made the maintenance of forces the first, the payment of interest the second and the maintenance of civil and commercial establishments the third charge on the revenues. Provision was also made for the reduction of the Company's debt and for the division of any surplus between the Company and the nation in the ratio of one to five. And the Company was asked to keep the commercial and territorial accounts separate and distinct.

Fourthly, the Act limited the number of troops that were to be paid out of the Company's revenue to 20,000 and empowered the Company to make laws, regulations and articles of war for their Indian troops and to provide for the holding of Court Martials.

Fifthly, the powers of superintendence and direction of the Board of Control were clearly defined and considerably enlarged ; and the local governments in India were empowered to impose taxation on persons, subject to the jurisdiction of the Supreme Court, and to punish persons in cases of non-payment.

Sixthly, the Act made a provision for religion, learning and education, and the training of Company's civil and military servants. The college at Haileybury and the military seminary at Adiscombe were to be maintained and brought under the authority of the Board of Control. So were the

colleges at Calcutta, Madras and elsewhere in India made subject to the regulations of the Board of Control. A Bishop and three Arch-Deacons were to be appointed to look to the religious welfare of the Europeans in India. And the sum of one lakh a year was to be set "apart and applied to the revival and improvement of literature and the encouragement of the learned natives of India, and for the introduction and promotion of a knowledge of the sciences among the inhabitants of the British territories in India".

Lastly, special provision was made for the administration of justice in cases in which the Britishers and Indians were both involved.¹ Special penalties were also laid down for theft, forgery and coinage offences.

VIII.

The three successors of Lord Wellesley were forced to follow a policy of non-intervention and peace at any price. The Marathas were allowed by Sir George Barlow to do as they pleased with the Rajput Chiefs of Central India. Lord Minto tried to steer a middle course and to persuade the authorities at home to modify their attitude. He conquered the French Island in the Indian Ocean and the Dutch Island of Java. He succeeded in concluding a treaty with Maharaja Ranjit Singh in 1809 through the diplomacy of Sir Charles Metcalfe, by which the British frontier was advanced from the Jumna to the Sutlej.

When the Marquess of Hastings arrived in India in October 1813, he found himself confronted with "seven different quarrels likely to demand the decision of arms". Lord Wellesley had pushed matters to such a point that standing still had become impossible for the British in India. Lord Hastings decided to move forward to complete the work of Wellesley. His first war was with Nepal and though he had to face several reverses in the beginning, one of his generals, Sir David Ochterlony, succeeded in defeating the Nepalese

¹ For details see pages 79 and 80 of Ilbert's Historical Introduction.

army and threatening the Nepalese capital, Khatmandu. Peace was concluded by the treaty of Segauli in 1816, by which the British secured very important additions to their territory. By this treaty the Nepal Government ceded to the British the whole of the Kumaon division, comprising the districts of Nainital, Almora and Garhwal ; the Dehradun district, including the hill station of Mussoorie ; and some portions of the present district of Simla. The importance of these additions cannot be exaggerated as they consist of places well suited for European residence and settlement, and can be well gauged by the fact that Naini Tal is the summer capital of the U. P. ; Simla the summer capital of India and of the Punjab ; and Mussoorie—along with the other two—a summer resort for a large number of Europeans.

Having made such an advantageous peace with Nepal, Lord Hastings prepared to tackle the Pindaris and their supporters, the Pathans and the Maratha Chiefs. The Pindaris had ravaged the whole of Central India and the neighbouring territories. They had incessantly harassed the Rajput Chiefs. They had even made raids into the British territory. They had organised and entrenched themselves so well that it had become a very difficult matter to subdue them. Lord Hastings realised the whole situation and acted with great statesmanship and ability. He began by forming alliances and making friends. He entered into treaties with most of the important Rajput Chiefs. He detached the Pathan Chief Amir Khan from the Marathas and the Pindaris by making him the Nawab of Tonk. He made the Peshwa sign a supplementary treaty to Bassein. Even Bhonsle and Scindhia were approached and forced to sign separate treaties. He did not place any reliance on the Maratha Chiefs and knowing their connection with the Pindaris prepared himself to meet their joint opposition. He assembled a very big army, consisting of some 120,000 men and 300 guns and started to surround the Pindaris from all sides. Within a few months he was able to drive them to their mountain haunts and to make them leaderless. Chitu and Wasil Muhammad met their end, one at the hands of a

tiger and the other by his own ; the third, Karim Khan surrendered and was given an estate upon which he and his followers could settle and lead a peaceful existence. But whilst Lord Hastings was engaged in routing the Pindaris, the Peshwa, Bhonsle (Appa Sahib) and Holkar made their last effort to overthrow the British yoke. Lord Hastings was prepared for this contingency and within a short time he succeeded in defeating them all. The fate of the Peshwa was settled by the defeats of Kirki, Koregaon and Ashti. The Peshwa's office was abolished ; Baji Rao was given a pension and allowed to settle at Bithur, near Cawnpore. Appa Sahib surrendered after his defeat at Sitabaldi and his army was routed a few days later at Nagpur. The districts north of the Narbada, known as Saugor and Narbada territories were annexed and Appa Sahib was deposed. The forces of Holkar were defeated by Hislop at Mahidpur and a treaty was signed by which Indore was reduced to about half its original size. Scindhia was cleverly isolated and forced to remain neutral and loyal to his undertakings.

Thus did Lord Hastings complete "the great scheme of which Clive had laid the foundations, and Warren Hastings and the Marquis Wellesley had reared the superstructure. The crowning pinnacle was the work of Lord Hastings, and by him was the supremacy of the British Empire in India properly finally established".¹

Lord Hastings was also responsible for the acquisition of the island of Singapore, with its important strategic position, its capacious harbour and its valuable tin deposits. The recent decision of the British Government to build a huge naval base at Singapore at enormous cost is a good index of the great importance of this acquisition of Lord Hastings to Britain.

Lord Hastings' rule in India is also significant for some important administrative changes and above all for the inauguration of a more liberal and sympathetic policy towards

¹ Mill & Wilson : History of British India Vol. VIII, page 587.

the people of the land. He reversed the policy of Lord Cornwallis and combined magisterial functions with those of revenue collection and administration. The Collector was made the chief Magistrate in his district and was also made the head of the District Police. *Darogha-ships* were abolished and their functions "transferred to the headmen of the villages, assisted by the *Karnams* or village accountants, and the *Taliaris*, or other classes of village watchmen, by *Tehsildars*, or native collectors, by *Zamindars*, *Amins* and *Kotwals*".¹ Lord Hastings encouraged the appointment of Indians to judicial posts and entrusted them with higher powers. He took great interest in the educational progress of the people of India. During his régime the Hindu College at Calcutta was started "to instruct the sons of Hindus in the European and Asiatic languages and Sciences".² Marshman (Joshua) started a great centre of missionary activity and propaganda at Serampur and his son the historian, J. C. Marshman, started a college there, which developed into a University³ in 1827. In 1818 was published from Serampur, the first vernacular newspaper, *Sansar-Darpan*, a weekly, devoted to Christian religious propaganda.

During the Governor-Generalship of Lord Hastings the question of the control of the Press assumed great importance. An exhaustive minute was written on the subject in 1822 by Sir Thomas Munro, then Governor of Madras, which not only influenced the course of legislation at the time but which has continued to exert great influence on the policy of the British Government till the present day.

The earlier resolutions framed for the control of the Press were directed against the Anglo-Indian Press—the Indian Press was then not in existence—which was the organ of non-official Englishmen in the country and which was very critical of the policy of the Government. The Editor of the first

¹ Mill & Wilson : History of British India, Vol. VIII, Page 533.

² Havell : A short History of India, page 238.

³ The Danish King, Fredrich VI authorised the College to grant a Diploma and thus constituted it into a University, the first of its kind in India

English paper,¹ "the Bengal Gazette", was persecuted by Warren Hastings from the beginning. Suit after suit was instituted against him until the paper ceased to exist. In 1799 stringent regulations were framed by the government of Lord Wellesley for the better control of the Press. Every paper was to be inspected before publication by a Censor and immediate deportation to Europe was the penalty for offending against the regulations".²

Lord Hastings was a believer in the value of independent criticism in the Press and he encouraged press-men to perform their legitimate functions. He had slightly modified the regulations in the very first year of his Governor-Generalship, though censorship was continued. However, when complaints against the censor reached him he abolished the post in 1818. But this did not mean, as is sometimes stated by writers, that the press henceforth became free. On the other hand, fresh regulations were issued clearly defining the position. The 1818 regulations required the editors to desist from "publishing animadversions on the proceedings of the Indian Authorities in England ; disquisitions on the political transactions of the local administration, or offensive remarks on the public conduct of the members of the Council, the Judges or the Bishop of Calcutta ; discussions having a tendency to create alarm or suspicion among the natives as to any intended interference with their religion ; the republication from English or other newspapers of passages coming under the preceding heads, or otherwise calculated to affect the British Power or reputation in India and private scandal or personal remarks on individuals, tending to excite dissensions in society".¹

The removal of the censorship brought into existence fresh papers. In 1818, the *Calcutta Journal* was started by Mr. J. S. Buckingham, which soon incurred the displeasure of the Government. The Editor was ordered to leave the country within two months of the service of the notice in 1823. The

¹ It was a weekly paper and was started by Mr. J. A. Hickey in 1780.

² Ghosh : Press and Press Laws in India, pages 3 & 4.

³ Mill & Wilson : History of British India, Vol. VIII, page 582.

whole question of the Press was again reviewed by the Government and the minute of Sir Thomas Munro was carefully considered with the result that more stringent regulations were issued for Bengal in 1823 and for Bombay in 1827. Before summarising the Regulations of 1823 it may not be without interest to briefly state the views of Sir Thomas Munro. Sir Thomas did not regard the problem of the European Press as serious. He wrote:—"as far as Europeans only, whether in or out of service, the freedom or restrictions of the Press could do little good or harm, and would hardly deserve any serious attention"¹; though he advocated the maintenance of the censorship and the retention of the power to deport editors or pressmen out of the country. It was the problem of the Indian Press that caused great anxiety to Sir Thomas Munro. He wrote:—"But though the danger be distant, it is not the less certain and will inevitably overtake us if the Press became free".² It would corrupt and disaffect the Indian Army and work for the overthrow of the British Power. "It must spread among the people the principle of liberty, and stimulate them to expel the strangers who rule over them and to establish a national government".³ And Sir Thomas laid it down as an invariable dictum:—"A free press and the dominion of strangers are things which are quite incompatible and cannot long exist together".³

The views of Sir Thomas prevailed and the new regulations were placed before the Supreme Court for registration on March 15, 1823. According to them no Press could be established nor any paper or book printed without obtaining a license for the purpose from the Government. All papers and books printed under the system of licenses were to be submitted to the Government for inspection. The Government was given the power to stop the circulation of any book

¹ Quoted by Pradhan in "The history of the Press Legislation in India," Modern Review for August 1913, page 135.

² *Ibid*, page 134.

³ *Ibid*.

or paper by a mere notice in the Government Gazette. A petition signed by such prominent men as Raja Ram Mohan Roy and B. Dwarka Nath Tagore, pointing out the objections to the regulations and praying for their cancellation, was presented. However, the Regulations were duly registered and came into force as law on April 5th, 1823. And they continued into force till they were repealed by Sir Charles Metcalfe in 1835. Sir Charles, inspite of the fact that he was merely acting as Governor-General till a permanent successor to Lord William Bentinck was appointed, showed great courage in passing, with the help of Lord Macaulay, the Act XI of 1835, which repealed the Regulations of 1823 and 1827 and which abolished for the whole of British India the system of licenses and censorship and replaced them by one of simple registration as in England.

To return to the narration of events during the Governor-Generalship of Lord Hastings:—The last important event was the making of land settlements—on a temporary basis—in the various parts of India, in Madras, Bombay and the Agra division. The names of Munro and Elphinstone are closely associated with the Madras and the Bombay settlements.

The successor of Lord Hastings was a person of far inferior calibre and his rule is unimportant except for the Fall of Bharatpur and the Burmese War (1824-26) which ended in the treaty of Yandaboo, after many errors in planning and execution had "caused much needless waste of life and treasure".¹ By the treaty of Yandaboo the English received a crore of rupees and the territories of Assam, Arakan and Tenasserim, including the portion of the province of Martaban, lying east of the Salween river.

The next decade was a period of peace and reform and of no annexations except that of Coorg² and two other small and unimportant annexations.³ Lord William Bentinck's régime

¹ V. A. Smith : The Oxford History of British India, page 562.

² Coorg was annexed in 1834 on account of "the outrageous conduct of Vira Raja, who practised the most blood-thirsty tyranny."

³ See page 659 of Smith "The Oxford History of British India."

is noted for the abolition of Sutee and the suppression of Thuggee ; for financial economies and improvements (due to the increase of revenue, especially from the opium monopoly) ; for "the abolition of Cornwallis' English-pattern provincial law courts, and the substitution of the vernacular for Persian, in judicial proceedings"¹ ; and for the employment of Indians in important places—both judicial and executive. The policy, however, that Lord William Bentinck pursued towards the Indian States was vacillating, variable and weak, except in the case of Mysore, where he showed great firmness and promptness. This was due to no small extent to his desire to act in accordance with the wishes of the authorities at Home ; and if his conduct is open to objection it is on the ground that he did not assert himself in cases where submission was injurious.²

IX.

During the Governor-Generalship of Lord William Bentinck there came up again the question of the renewal of the Company's Charter ; but before dealing with it, it is convenient here to give a summary of the legislation relating to India passed by the Imperial Parliament during 1813 and 1833.³

An Act of 1814 removed doubts about the powers of the Indian Government to levy customs duties and other taxes. An Act of 1815 empowered the Government to extend boundaries of the Presidency towns. It also amended some of the minor provisions of the 1813 Act. An Act of 1818 removed

¹ Havel : A short history of India, page 241.

² The results of his policy are thus summarised by Vincent Smith in "The Oxford History of India", pages 658-659 :—

"In Oudh the reforming minister Hakim Mehta, was deserted by the British Government, and driven from the Kingdom. The Nizam's dominion were permitted to fall into disorder ; support to the infant Holkar was refused with a like result and dangerous quarrels were allowed to develop in Gwalior. The Gaikwar assumed an attitude of hostility. The Rajput States were encouraged to engage in civil war ; the improvements in Udaipur were checked—at Jaipur the policy . . . terminated in a catastrophe which was totally unprecedented . . . i.e., an attack on the British officers stationed at the local court resulting in severely wounding the Resident and killing his assistant Mr. Blake."

³ The summary is based on Ilbert : Historical Introduction to the Government of India, pages 80 and 81.

doubts of the validity of certain forms of Indian marriages and that of 1820 empowered the Company to raise and maintain a corps of volunteer infantry.

The legislation of 1823 was of a more important nature :— The first Act authorised the creation of a Supreme Court by the grant of a Charter and made provision for the pay and pension of judges of the Supreme Court, of troops serving in India and of the Indian Bishops and Archdeacons.

The second Act consolidated previous legislation in regard to Eastern trade and “expressly declared that trade might be carried on in British vessels with all places within the limits of the Company’s Charter except China”.¹

The third Act consolidated and amended the laws relating to the maintenance of discipline in the army of the Company.

An Act of 1824 recognised the acquisition of Singapore and transferred it for administration to the East India Company.

Two Acts were passed, one in 1825 and the other in 1826, to regulate further the salaries of Indian Judges and Bishops and the appointment of juries in Presidency towns.

Three acts were passed in 1828. The first made the real estates of British subjects dying within the jurisdiction of Supreme Courts liable for payment of their debts ; the second applied the East India Mutiny Act to the Bombay Marine Force ; and the third extended the application of certain amendments of the English criminal law to the territories of the Company.

An Act of 1832 empowered the Government to appoint as Justices of the Peace persons other than covenanted civilians and also enabled non-Christians to become Jurors.

¹ Ilbert : Historical Survey, pages 80 and 81.

CHAPTER V.

THE LAST DAYS OF THE COMPANY.

I.

The Charter of the Company had been renewed in 1813 for twenty years and the question of renewal was to come up again before the Parliament in 1833. During the intervening period things had greatly changed in England. The mercantilistic period of trade restrictions and monopolies was coming to an end ; and the whole atmosphere was becoming filled with liberal ideas. The gospel of *Laissez Faire* was abroad and the doctrine of the Rights of Man was being preached in the country. Reforms were in the air. Even the House of Lords—the stronghold of the Tories—was beginning to do at least lip-service to liberal and humanatarian principles. It was forced to pass the Reform Bill, which became an Act on June 7, 1832, and in 1833 slavery was totally abolished in the British Empire.

The Directors of the Company were anxiously watching these changes and they had their hand on the pulse of the time. They adopted a liberal policy in the government of India, so that there may not be any difficulty at the time of the renewal of the Charter. They appointed Lord William Bentinck with this purpose in view and his administration and the records of Munro and Elphinstone proved of great advantage to the Company. Peel spoke appreciatingly of their administration and said that it "contrasted favourably with that of any other colonial establishment that had ever existed" ; and Macaulay paid a signal compliment by contrasting "the doubtful splendour which surrounded the memory of Hastings and of Clive, with the spotless glory of Elphinstone and Munro."¹

¹ Quoted from Thornton Vol. V., page 258, by Thakore in his book "Indian Administration to the Dawn of Responsible Government" on p. 52.

The British Parliament had also prepared itself for its task by making careful enquiries into the trade and administration of India and passed an Act in 1833 which has been called by Lord Morley as "the most extensive measure of Indian Government between Mr. Pitt's famous Act of 1784 and Queen Victoria's assumption of the Government of India" and he gave it out as his confirmed opinion that "there is nothing so important as that Act".¹

Opinion outside the Parliament was agitating for the abolition of the monopoly of the China trade and the removal of restrictions on European immigration into India; and the Company found it impossible to induce the Parliament to renew these privileges and powers. The first thing that the Act of 1833 provided for was the abolition of the China Trade monopoly.²

Secondly, the Act of 1833 tried to remove one of the two chief defects in Indian Administration of the time, *i.e.*, in the words of Mr. Charles Grant, M.P., "the union of the trader and the sovereign"³ by asking the Company to close its commercial business "with all convenient speed",⁴ and by making provision for the payment of 10½% dividend to the shareholders from Indian revenues and for the accumulation of 12 million pounds for the purchase of the Company's stock. But the Parliament entrusted the administration of India to the Company in spite of strong protests from Mr. Buckingham and others in the House of Commons. Mr. Buckingham called it "preposterous to leave the political government of an immense empire in the hands of a joint stock Company" and suggested "for admission into supreme council in India, of some few representatives of British population in India as well as of the natives, in order to make a beginning, at least, of that system

¹ Lord Morley's speech of 23rd February, 1909, Keith : Speeches and Documents on Indian Policy, Vol. II, page 95.

² Section III of the Act, *Ibid*, Vol. I, page 266.

³ Quoted by C. L. Anand on page 35 of his book : Introduction to the History of Government in India.

⁴ Section IV of the Act, Keith : Speeches and Documents on Indian Policy, Vol. I, pages 26-27.

of self-government to which they ought to advance with all our colonies as fast as possible''.¹

Lord Macaulay made a memorable speech on the occasion and pleaded for retaining the Company as an organ of government for India. He quoted James Mill and held that representative government was "utterly out of the question."² And he denied that the House of Commons could ever be "an efficient check on abuses practised in India."³ He said: "The House, it is plain, has not the necessary time to settle these [Indian] matters; nor has it the necessary knowledge, nor has it motives to acquire that knowledge. The late change in its constitution has made it, I believe, a much more faithful representation of the English people. But it is as far as ever from being a representation of the Indian people. A broken head in Cold Bath Fields produces a greater sensation among us than three pitched battles in India. A few weeks ago we had to decide on a claim brought by an individual against the revenues of India. If it had been an English question the walls would scarcely have held the members who would have flocked to the division. It was an Indian question; and we could scarcely by dint of supplication make a house. Even when my Right Hon. Friend, the President of the Board of Control, made his most able and interesting statement of the measures which he intended to propose for the government of a hundred millions of human beings, the attendance was not so large as I have seen it on a turnpike or a railroad Bill."⁴

On the other hand, declared Lord Macaulay, there was the Company which was "neither Whig nor Tory, neither High Church, nor Low Church. It cannot be charged with having been for or against the Catholic Bill, for or against the Reform Bill. It has constantly acted with a view, not to English Politics but to Indian Politics—. . . . And amidst

¹ Chuni Lal Anand: An Introduction to the History of Government in India, Page 38.

² Keith: Speeches and Documents on Indian Policy, Vol. I., Page 234.

³ *Ibid.*, page 235.

⁴ *Ibid.*, pages 236 and 237.

all agitating events the Company has preserved strict and unsuspected neutrality."¹ Its record of administration and its concern for public good in India were both admirable. "Among foreign military despotism" there has been "none that approaches it in excellence."² Under such circumstances, said Lord Macaulay, he was not prepared to discard the Company as an instrument of Indian governance. And the Parliament agreeing with Lord Macaulay allowed the Company to retain its territorial possessions and its administrative and political powers for another term of twenty years.

Thirdly, the Act of 1833 removed all restrictions on European immigration and acquisition of landed property in India, but "to provide against any mischief or dangers" of free admission the Governor-General in Council were "required, by law or regulations, to provide with all convenient speed for the protection of the natives of the said territories from insults and outrage in their persons, religions or opinions."³

When the question of European colonisation was discussed in 1813 it was vehemently opposed by the Company and its high officials,⁴ but in 1833 the demand for European colonisation was strongly supported by high officials in India. Sir Charles Metcalfe and Lord William Bentinck both advocated the free admission of Europeans in India and enumerated a large number of advantages, such as the promotion of "the prosperity of our Indian Empire", "progressive increase of revenue" and the strengthening of the British hold on the country. The Select Committee of 1832 also recommended the abolition of all restrictions on the free admission of Europeans in India mainly for commercial and industrial reasons, such as making England independent of foreign raw materials, improvement in Indian raw materials, increased demand for British goods in India and increase in remittances

¹ Keith: "Speeches and Documents on Indian Policy," Vol. I, pages 239 and 240.

² *Ibid.*, page 249.

³ Article LXXXV of the Act.

⁴ See page 72 *supra*

to England or in "the Home charges".¹ However, a number of witnesses before the Select Committee of 1832 pointed out the dangers of admitting Europeans freely into India and the harm that European colonisation would inflict on the people of the country,² but the views of Bentinck and Metcalfe carried the day and all restrictions against the free admission of Europeans into India were swept away.

Fourthly, the Act of 1833 laid down in very clear and emphatic language that "fitness is henceforth to be the criterion of eligibility"³ and "that no native of the said territories, nor any natural-born subject of His Majesty resident therein, shall by reason only of his religion, place of birth, descent, colour, or any of them, be disabled from holding any place, or employment under the said Company."⁴ It was this clause that made Lord Morley call the Act of 1833 as the most important Indian Act passed by the Parliament till 1909.⁵ For once narrow considerations of policy and self-interest were pushed aside⁶ and broad humanitarian principles were allowed scope for expression.

Fifthly, the Act of 1833 made changes in the constitution and powers of "the Governor-General of India in Council." The Governor-General's Council was enlarged for legislative work by the addition of a fourth member—the Law Member—who, however, was given no voice in ordinary executive matters; and the legislative powers of the Governor-General in Council were greatly increased. As pointed out by Mr. Cowell in his Tagore Lectures of 1872, the greatest evil existing at the time was the conflicting and indefinite nature of the law and the law-making and administering authorities. In the first place "there were five different bodies of statute law

¹ See pages 128 and 129 of Shah: "History of Indian Tariffs".

² For an account of such evidence see pages 64 to 94 of Major Basu's "The Colonization of India by Europeans."

³ Mukherjee: Indian Constitutional Documents, Vol. I, Dispatch of the Court of Directors 1834, page 120.

⁴ Clause LXXXVII of the Act.

⁵ See page 86 *supra*.

⁶ Mukherjee: Indian Constitutional Documents, Vol. I, page 120.

in force,"¹ in India at the time. The Government of each Presidency had the power of making rules and regulations. The power of law-making enjoyed by the Governor-General in Council was wholly insufficient. The rules and regulations made by the Governor-General in Council could bind only the Indian population and the servants of the Company but they had no authority over other Britishers or foreigners in the country. Moreover they had no jurisdiction over the Supreme Court. The Act of 1833 tried to remove these defects. It took away from the Provincial Governments the power of making laws leaving them with the simple right of submitting "drafts or projects of any laws or regulations which they may think expedient."² The power of making laws in India was concentrated in the hands of the Governor-General in Council and its jurisdiction extended to *all* persons, and *all* courts, *all* places and *all* things "within and throughout the whole and every part of the said territories, and for all servants of the said Company within the dominions of princes and states in alliance with the said Company."³ The authority of the Crown and Parliament was duly safeguarded.⁴

The Act declared "that a full, complete, and constantly existing right and power is intended to be reserved to Parliament to control, supersede, or prevent all proceedings and acts whatsoever of the said Governor-General in Council, and to repeal and alter at any time any law or regulation whatsoever made by the said Governor-General in Council, and in all respects to legislate for the said territories and all the inhabitants thereof in as full and ample a manner as if this Act had not been passed"⁵ The regulations passed by the Governor-General in Council and not disallowed by the

¹ Quoted on page 84, Ilbert: Historical Introduction to the Government of India "

² Clause 66 of the Act, Mukherjee: Indian Constitutional Documents, Vol. I, page 96.

³ Clause XLIII of the Act, Keith: Speeches on Indian Policy, Vol. I, page 268.

⁴ See Clause XLIII of the Act. *Ibid*, page 268.

⁵ Clause LI of the Act, *Ibid*, pages 269 and 279.

Court of Directors were to be called "Acts" and were to be placed before the Parliament but were not required to be registered or published in any court of law. Lastly, in order to end uncertainty and to make provision for a general system of law and law administration—subject, of course, "to such special arrangements as local circumstances may require"¹—the Governor-General in Council were directed to issue a commission, called the Indian Law Commission, which was to inquire fully "into the jurisdiction, powers, and rules of the existing Courts of Justice and police establishments in the said territories, and all existing forms of judicial procedure, and into the nature and operation of all laws, whether civil or criminal, written or customary, prevailing and in force in any part of" India, and to report to the Governor-General in Council. The first Law Commission was presided over by Lord Macaulay, and though it did not do as much as was expected of it, still the Indian Penal Code—which became law in 1860—was the direct result of its labours. It also paved the way for the preparation of the Codes of Civil and Criminal Procedure.

Sixthly, the Act of 1833 provided for the division of the overgrown Presidency of Bengal into two Presidencies, but this provision never came into operation. It was suspended first by the Act of 1835 and later by the Act of 1853.

Seventhly, the Act of 1833, directed the Governor-General in Council to take steps for the amelioration of the slaves in India and to propose measures for the abolition of slavery throughout India.

Eighthly, the Act of 1833 increased the Bishopricks to three and made the Bishop of Calcutta the Metropolitan Bishop in India.

Lastly, the Act provided for the training of civil servants for India at the Company's College at Haileybury and regulated admissions to that College.

¹ Clause LIII of the Act, Keith: *Speeches on Indian Policy*, Vol. I., pages 270 and 271.

II.

The last act of Lord William Bentinck as Governor-General was to issue the Resolution of March 7th, 1835, based on the famous minute of Lord Macaulay, announcing that "the great object of the British Government ought to be the promotion of European literature and science among the natives of India, and that the funds appropriated to education would be best employed in English education alone."¹ In the same month he laid the foundation of the Calcutta Medical College. For over a decade controversy was going on between the Orientalists and the Anglicists as to the type of education which should be encouraged in India. The Committee of Public Instruction in India was full of the champions of Oriental culture though the Court of Directors favoured English education. Lord Macaulay on his appointment as Chairman of the Committee of Public Instruction threw in his whole weight on the side of English Education. He condemned in rash and rhetorical language the whole of Oriental learning and culture—"a single shelf of a good European library was worth the whole native literature of India and Arabia."² He went on to denounce Eastern learning as "medical doctrines that would disgrace an English farrier, astronomy that would move laughter in girls at an English boarding school, history abounding with kings thirty feet high and reigns thirty thousand years long, and geography made of seas of treacle and seas of butter." He deified the English language and Western learning and culture. "Whoever knows that language has ready access to all the vast intellectual wealth which all the wisest nations of the earth have created and hoarded in the course of ninety generations."³ And he appealed to "the decisive test" of the market. Mr. Ramsay Macdonald describes the minute as "a curious monument to the total lack of the historical mind in one who was to be labelled "historian"

¹ Quoted by Smith in his "Oxford History of India," page 670.

² Quoted by Ramsay Macdonald in his "Government of India," page 163.

³ *Ibid*, page 164.

in the pigeon holes of future generations.”¹ In any case Lord Macaulay’s strong attitude ended indecision and resulted in the issuing of the Resolution of the 7th March, 1835.

The régime of Lord Auckland is only noted for the catastrophe of the first Afghan war, which was the direct result of Palmerston’s anti-Russian policy ; and that of his successor for a campaign of revenge in Afghanistan for “the unprincipled annexation of Sind by Lord Ellenborough and Sir Charles Napier”,² and for the abolition of slavery. An Act was passed by the Governor-General in Council in 1843 (Act V of 1843) prohibiting the legal recognition of slavery in India.

The most important event of Lord Hardinge’s régime was the first Sikh war fought in 1845 and 1846 and famous for “the critical nature of the contest with the bravest and steadiest enemy ever encountered in India by a British army.”³ The Sikh army was defeated at Sabraon on February 10th, 1846, and Lahore was promptly occupied by the British. The war was ended by the Lahore Treaty by which all lands on the British side of the Sutlej, the Jullundar Doab between the Sutlej and the Beas, and the Kashmir and Hazara territories were ceded to the British besides the payment of half a million sterling and the surrender of many guns. The Sikh army was limited to 20,000 infantry and 12,000 cavalry. A British Resident was to remain at Lahore to supervise the Government of the Punjab by the Minor Maharaja Duleep Singh and his Chief Minister, Sardar Lal Singh.

In January 1848, Lord Dalhousie arrived in India. He was broken down in health and was “an invalid, almost a cripple when he landed in Calcutta though he was only 35 years of age at the time. He was Governor-General for full eight years, but “he was never really well and usually was suffering from acute pain.”⁴ Yet his régime was a most memorable one and he is given a place among the front rank of the Governor-

1 Ramsay Macdonald : “Government of India”, page 165.

2 Smith : “The Oxford History of India,” page 673.

3 *Ibid*, page 695.

4 *Ibid*, page 697.

Generals, by the side of Warren Hastings, Wellesley and the Marquess of Hastings.

The régime of Lord Dalhousie is famous alike for its wars and annexations as well as for administrative reforms and beneficent public works. His first war was with the Sikhs, for which he had made extensive preparations. The first battle took place at Chilianwala on January 13th, 1849, in which "the British force suffered severely, losing 2,338 men killed and wounded."¹ Reinforcements, however, came from Multan and made the British forces superior to those of the Sikhs. The Sikhs were forced to give up their strong entrenched position at Rasul near Chilianwala owing to want of supplies and to move on to Gujrat, where they were pursued by the British forces. An open battle took place at Gujrat on February 21st, 1849, which resulted in the rout of the Sikh army and the annexation of the Punjab, right up to Peshawar, to British territory. The other important war fought during Lord Dalhousie's Governor-Generalship was the Second Burmese War which resulted in the addition of Rangoon, Prome and the whole of the province of Pegu to the British territory and in bringing the entire eastern coast of the Bay of Bengal from Chittagong to Singapore under British control.

Lord Dalhousie enlarged the British dominion in India not only through conquest but also through what is ordinarily known as the doctrine of lapse—*i.e.* through the failure of heirs. In this way, Satara, Nagpur, Jhansi, Jaitpur, Sambalpur, and a few other small states were annexed by Lord Dalhousie. The annexation of Oudh stands on a different footing, which was done in a more high-handed fashion. Sikkim was taken as a penalty for the seizure of Dr. Campbell and Dr. Hooker by the then King and Berar was obtained from the Nizam to provide for the maintenance of the subsidiary force. The adopted son of Peshwa Baji Rao II was refused the allowance of 8 lakhs a year allowed to his father and advantage was taken of the death of the titular Nawab of Carnatic in 1855

¹Smith: The Oxford History of India, page 699.

to revise the rank and allowances of his family. In short, Lord Dalhousie tried to increase British dominion and power in India by all means he could devise. His policy of wholesale annexations must bear its share of responsibility in bringing about the mutiny of 1857.

Lord Dalhousie was a man of feverish activity and great zeal. He supervised the work of each department of the government and introduced many reforms and innovations. He arranged the work of the Supreme Government on the Departmental basis. He appointed a separate Lieutenant-Governor for Bengal. He created a separate Public Works Department, increased expenditure on Public Works, started the making of the Grand Trunk Road, the building of irrigation canals and the construction and planning of railway lines. He founded the electric telegraph system and introduced the uniform half-anna postal rate. He gave full effect to the instructions contained in the famous Wood Despatch of 1854 and laid the foundation of the present educational system of the country. Lord Dalhousie also made arrangements for the reorganisation of the army in India and wrote as many as nine elaborate minutes on the question, though they were pigeon-holed at the India House and were scarcely noticed. And it was also in Lord Dalhousie's Governor-Generalship that the question of the renewal of the Company's Charter came up before the Parliament for the last time.

III.

Very few Indian Acts were passed by the British Parliament during the period of 1833 and 1853. In fact there are only three that need mention here. An Act of 1835¹ suspended the provision of the Act of 1833 relating to the division of the Bengal Presidency into two presidencies and authorised the Governor-General in Council to appoint a Lieutenant-Governor for the North Western Provinces. The first appointment was made in 1836. An Act of 1840² consolidated and amended

¹ 5 and 6 William IV C. 52, Ilbert : Historical Survey, page 90.

² 3 and 4 Victoria, C. 37, *Ibid*, page 90.

the Indian Mutiny Act and empowered the Governor-General in Council to make regulations for the Indian navy. An Act of 1848¹ enacted for India a law of insolvency.

IV.

So far opposition to Company's rule had emanated from English sources. It were either the English merchants or the English radicals or humanitarians who objected to renewals of the Charter. But the renewal of the Charter in 1853 was opposed chiefly by Indians. Section 87 of the Act of 1833 had roused high hopes among Indians. Several young men had gone to England to qualify themselves for holding office in India. But they were greatly disappointed on their return. As pointed out by Mr. Cameron—a member of the Council of the Governor-General and Chairman of the Indian Law Commission—"during the twenty years that have since elapsed [the passing of the Act of 1833] not one of the natives has been appointed to any office except such as they were eligible before the Statute."² Inhabitants of the three Presidencies sent signed petitions to the Parliament against the granting of any extension to the Company. The Bengal petition asked for the abolition of the double system and the appointment of a Secretary of State and an India Council, partly elected and partly nominated in its place ; for the creation of a separate legislature for India ; for making the Governor-General act with the consent of his Council ; for giving a sort of provincial autonomy to the Presidencies ; for increasing the salaries of men in subordinate services and decreasing those of men in higher offices ; and for throwing the civil services open to all British subjects, which should be recruited by means of competitive examinations.³

On April 2nd, 1852, Lord Derby moved for the appointment of a Select Committee to enquire into Indian affairs in very significant language. He reminded the House "that this

¹ 11 and 12 Victoria C. 21. Ilbert : *Historical Survey*, page 90.

² Quoted by C. L. Anand in his "Introduction to the History of Government in India" Part II, Page 41.

³ *Ibid*, pages 42 & 43.

is your bounden duty in the interests of humanity, of benevolence, and of morality and religion, that as far and as fast as you can do it safely, wisely and prudently, the inhabitants of India should be gradually entrusted with more and more of the superintendence of their own internal affairs". Both the Houses of Parliament appointed Select Committees of Enquiry in 1852 who examined a large number of witnesses and collected a vast amount of evidence on the state of India at the time. On the basis of these enquiries the Charter Act of 1853 was framed.

The Charter Act of 1853, in the first place, renewed the powers of the Company and allowed it to retain possession of the Indian territories "in trust for Her Majesty, her heirs and successors," not for any definite period, as the previous Charter Acts had done, but "only until Parliament shall otherwise provide."

Secondly, the Act of 1853 reduced the number of Directors from 24 to 18, out of whom six were to be appointed by the Crown.

Thirdly, the Act relieved the Governor-General of the Governorship of Bengal and provided for the appointment of a separate Governor of Bengal. But until it was decided to appoint a separate Governor the Act authorised the Governor-General to appoint a Lieutenant-Governor with the permission of the Directors and the Board of Control. Separate Governor for Bengal was not appointed till 1912 though a Lieutenant-Governor was appointed in 1854.

Fourthly, in view of the recent annexations, the Act empowered the Directors to create one more Presidency, with the same system of government as in Madras or Bombay, or, in the alternative, to authorise the appointment of a Lieutenant-Governor. The Lieutenant-Governorship of the Punjab was created under the authority given by this section in 1859.

Fifthly, the legislative member of the Council of the Governor-General was made a full member of the Council and was given the right to sit and vote at its executive meetings as well.

Sixthly, the Act of 1853 created for the first time a separate legislative council for India. As pointed out by the authors of the Montford Report, legislation was for the first time treated as a special function of Government requiring special machinery and special processes."¹ The Council of the Governor-General was enlarged for legislative purposes by the addition of six new members, called the legislative members. The Council in its legislative capacity was thus to consist of 12 members:—the Governor-General, the Commander-in-Chief, four members of the Council and six legislative members, of whom two were English judges (chief justice and a puisne judge), of the Calcutta Supreme Court and the other four were officials appointed by the local governments of Madras, Bombay, Bengal and Agra. These four representatives of the Provincial Governments were paid an annual salary of £5,000/- each. It was in this manner that local representation was introduced at first in the Indian legislature. The business of the Council was conducted orally and for the first time in public. Every bill was discussed properly and examined in a select committee. "There was at least one member present with local knowledge, and what may be called the English law element in the Council was greatly increased."² It did not confine itself solely to the legislative work but assumed "the character of a miniature representative assembly, assembled for the purpose of inquiry into, and redress of, grievances."³ No measure, however, could become law unless it was assented to by the Governor-General.

Seventhly, the Act of 1853 authorised the appointment of a body of English Commissioners to examine and consider the recommendations of the Indian Law Commission, which had ceased to exist by that time.

Eighthly, the Act made provision for the payment of the members of the Board of Control and the secretary and other officers by the Company. The salaries were to be fixed by

¹ Strictly speaking it was not a separate Legislative Council. The Executive Council was only enlarged for purposes of legislation.

² Report on Indian Constitutional Reforms, 1918, page 38.

³ *Ibid.*, page 39.

His Majesty and the salary of the President was to be in no case less than the salary paid to any one of the Principal Secretaries of State.

Lastly, the Act took away from the Directors the right of patronage to Indian appointments and directed the Board of Control to frame regulations for the purpose. A committee was appointed in 1854, with Lord Macaulay as the President, which framed the regulations according to which the Covenanted Civil Service was thrown open to general competition. Admissions to Haileybury College were stopped from January 1856 by an Act of 1855,¹ which directed the closing of the College from January 31st, 1858. The Company itself had asked for the closing of the College as early as 1833, their reasons being the great expense of the College and "the disadvantage which resulted from confining the associations of youth destined for foreign service to companions all having the like destination."²

Another Act which had important administrative results in India was passed by Parliament in 1854.³ It "empowered the Governor-General in Council, with the sanction of the Court of Directors and the Board of Control, to take by proclamation under his immediate authority and management any part of the territories for the time being in possession or under the government of the East India Company, and thereupon to give all necessary orders and directions respecting the administration of that part, or otherwise provide for its administration."⁴ This power was exercised in actual practice by the appointment of Chief Commissioners to whom all such powers as were not required by the Central Government were delegated. It is under this Act that the various Chief Commissionerships—of Assam, the Central Provinces, North Western Frontier Province, Burma, British Baluchistan, and

¹ 18 and 19 Victoria C. 53. Ilbert: Historical Introduction," page 93.

² Quoted by B. K. Tahakore in his "Indian Administration to the Dawn of Responsible Government", page 62.

³ 17 and 18 Victoria C. 77. Mukherjee: Indian Constitutional Documents, Vol. I, pages 132 to 134.

⁴ *Ibid.*, page XIX.

Delhi—have been constituted from time to time. The Act of 1854 also empowered the Governor-General in Council, with the sanction of the Directors and the Board of Control, to limit and define the boundaries of the various provinces and directed that the Governor-General was no longer to bear the title of the Governor of Bengal.

V.

Lord Dalhousie firmly believed that he was bequeathing a peaceful India to his successor in office little knowing that he had sown seeds of discontent which were bound to germinate soon and be a source of grave danger to British rule in the country. The wars and annexations of Lord Dalhousie had annoyed and unsettled both the army and the ruling classes in India. The "aggressive European innovations" had roused the conservative and orthodox instincts of the people. The zealous missionary propaganda countenanced and aided by officials aroused fear of forcible conversion. Canning's decision "that the imperial rank should no longer be recognised after the death of Bahadur Shah"¹ irritated him and his followers. And there were enough of other displeased and dispossessed nobles like Nana Sahib, Rani of Jhansi, etc., to make use of the inflammable material. On the other hand, the British position was very weak. The organisation, distribution and the personnel of the British army were gravely defective. Discipline in the army was hopelessly lax. "Strategical points (like Delhi and Allahabad), and most of the guns were left in the hands of the native army."² Expeditions had been sent to the Persian Gulf and China leaving the Indian defences, especially in Bengal and the North Western Provinces very weak. The time was thus ripe and propitious for a revolt. Greased cartridges furnished a good enough excuse and the mutiny began on January 23rd, 1857, at Dumdum near Calcutta. Spreading to Barrackpur in March, Ambala in April, Meerut, Lucknow and Delhi in May. In

¹ Cambridge History of India, Vol. V, page 607.

² Smith: "The Oxford History of India", page 712.

May the conflagration became general and regular fighting began. There were five main areas of operation—Delhi, Lucknow, Cawnpore, Rohilkhand and Central India with Bundelkhand. The timely aid of the Sikhs, of Sir Dinkar Rao of Gwalior, Sir Salar Jung of Hyderabad and Sir Jung Bahadur of Nepal and the heroism of several British officers saved the situation. Mutiny was suppressed and the rebel hosts were defeated. Lost places were recovered and the authors of the revolt were punished, killed or driven away. And peace was again restored in British India.

In restoring order, however, the British committed great atrocities, the memory of which rankled in Indian mind long after the mutiny was suppressed and produced consequences whose significance escaped recognition till only recently. "The English killed their prisoners without trial and in a manner held by all Indians to be the height of barbarity,—'sewing Muhammadans in pig-skins, smearing them with pork-fat before execution, and burning their bodies, and forcing Hindus to defile themselves.' They also massacred thousands of the civilian population, not only in Delhi, but also in the countryside. General Neill gave orders to his lieutenants that 'certain guilty villages were marked out for destruction and all the men inhabiting them were slaughtered', and the indiscriminate burning of their inhabitants occurred wherever our (English) armies moved".¹ Russel, who was the correspondent of the *Times*, London, at the time, gives in his Diary harrowing details of the barbarities practised by the British troops. It is not necessary to give extensive quotations here ; one, which is typical of others, ought to suffice. This is what he writes of Havelock's advance guard :—

"The officer in command was emulous of Neill, and thought he could show equal vigour. In two days forty-two men were hanged on the roadside, and a batch of twelve men were executed because their faces were 'turned the wrong way' when they were met on the march. All the villages in front

¹ Garrat : An Indian Commentary, page 112.

were burned when he halted. These 'severities' could not have been justified by the Cawnpore massacre because they took place before that diabolical act".¹

Such "severities" could not be easily forgotten. They produced a plentiful crop of racial bitterness which might have disappeared by the lapse of time had it not been reinforced from time to time by "strong action" as in Jallianwalla Bag in 1919.

VI.

The outbreak of the mutiny put an end to Company rule. As remarked by Bright, "the conscience of the nation [British] had been touched on the question, and it came by a leap,—as it were by an irrepressible instinct—to the conclusion that the East India Company must be abolished."² The Prime Minister informed the Court of Directors on the 19th December, 1857, that a Bill would soon be introduced in Parliament to put an end to the existence of the Company and to provide for the transfer of the territories and Government of India to the Crown. The Company appealed to the Parliament. John Stuart Mill put the case of the Company in a well-reasoned and dignified petition and pleaded for the retention of the Company, or, at any rate, for the postponement of the question till after peace was restored in India. But the petition had no effect on the Parliament which proceeded with the task of putting an end to the existence of the Company. On February 12th, 1858, Lord Palmerston introduced the promised Bill for transferring the Government of India to the Crown and made a memorable speech giving his reasons for ending the system of Double Government. He thought it very singular and remarkable "that a nation like this in which the principle of popular representation has so long been established, should have deliberately consigned to the care of a small body of commercial men the management of such

¹ Russell, *Diary I*, page 222, quoted by G. T. Garrat, I.C.S. (Retd.) in *An Indian Commentary*, page 113.

² Quoted by B. K. Thakore in his "Indian Administration till the Dawn of Responsible Government."

extensive territories, such vast interests, and such numerous populations."¹ And the first great defect of Company rule as pointed out by Lord Palmerston was its utter irresponsibility. "The principle of our political system is that all administrative functions should be accompanied by ministerial responsibility—responsibility to Parliament, responsibility to public opinion, responsibility to the Crown ; but in this case the chief functions in the government of India are committed to a body not responsible to Parliament, not appointed by the Crown, but elected by persons who have no more connection with India than consists in the simple possession of so much stock."²

The second defect described by Lord Palmerston was the inconvenient, cumbrous and complex nature of the system of "Double Government". "The functions of Government and the responsibility have been divided between the Directors, the Board of Control and the Governor-General in India,"³ "and among these authorities it is obvious that despatch and unity of purpose can hardly by possibility exist."⁴ "Before a despatch upon the most important matter can go out to India it has to oscillate between the Cannon Row and the India House, . . . and that the adventures of a despatch between these two extreme points of the metropolis are often as curious as those *Adventures of a Guinea* of which we have all read."⁴

Lord Palmerston proposed to remove these defects by abolishing the Courts of Directors and Proprietors and by substituting "for these bodies a President, assisted by a Council for the Affairs of India."⁵ The President "shall be a member of the Government, and shall be the organ of the Cabinet with reference to all matters relating to India."⁶ The Council was to consist of eight members, nominated by the Crown, "with the condition that they shall either have been Directors of the

¹ Speech of Lord Palmerston. Keith : "Speeches on Indian Policy", Vol. I, page 320.

² *Ibid.*, page 322.

³ *Ibid.*, page 323.

⁴ *Ibid.*, page 324.

⁵ *Ibid.*, page 329.

East India Company, have served for a certain period in India either in a civil or military capacity or have resided there a certain number of years unconnected with the local administration."¹ They were to hold office for eight years, two retiring by rotation every second year. The President was to have final authority except in "matters involving increased expense to the Indian revenue."²

In the end Lord Palmerston tried to answer the arguments and objections of the Company :—The first objection raised by the Company against the transference of the Government to the Crown was the ineffective and undesirable nature of the Parliamentary check as compared with the independent, expert, non-party, impartial check of the Court of Directors. Lord Palmerston answered it by referring to the sense of responsibility and the wisdom and statesmanship of the Parliament and by pointing out "that the greater part of those improvements which the East India Directors boast of has been the result of pressure on the Indian Administration by debates in Parliament"³ Sir George Cornwall Lewis was more emphatic on the point. "I do most confidently maintain," said he, "that no civilized government ever existed on the face of this earth which was more corrupt, more perfidious, and more rapacious than the Government of the East India Company from the year 1765 to 1784"⁴ and he appealed to the records of Parliament, to reports and documents of the House "for conclusive proof documentary of the character of the East India Company as a political body."⁴ It was the Parliamentary control that began in 1784 which had made the rule of the Company tolerable.

The Company had pointed out the indispensibility "of a council composed of statesmen experienced in Indian affairs"⁵ as an adjunct to the minister and doubted whether "a body

¹ Keith : "Speeches on Indian Policy", Vol. I, Pages 329 & 330.

² *Ibid.*, page 330.

³ *Ibid.*, page 340.

⁴ *Ibid.*, page 349.

⁵ *Ibid.*, page 309.

can be constituted which unites the above enumerated requisites of good government in a greater degree than the Court of Directors."¹ Lord Palmerston accepted the necessity of a Council to advise the minister and provided for one in the Bill he introduced and gave it most of the characteristics considered indispensable by the Company.

The Company, thirdly, had pointed out the dangers of entrusting the right of patronage to a minister of the Crown and attributed the excellence of the services in India "to the circumstance that the dispensers of patronage have been persons unconnected with party, and under no necessity of conciliating Parliamentary support."² Lord Palmerston answered this objection by showing "that no addition of patronage will devolve upon the Executive Government of an amount which need excite the least constitutional jealousy on the part of the House of Commons."³

Lastly, the Company pleaded "that, even if the contemplated change could be proved to be in itself advisable, the present is the most unsuitable time for entertaining it" and it urged upon the Parliament "the expediency of at least deferring any such change until it can be effected at a period when it would not be directly connected with the recent calamitous events"⁴ Lord Palmerston replied by pointing out that it is only in times of peculiar emergencies that inconveniences of different systems of administration are forced on the attention of the Government and the public ; that "we do not intend to make any alteration in the existing arrangements in India ;"⁵ and that there can be no sense in prolonging "the existence of the present weak instrument, instead of substituting for it a stronger, more powerful, and more effectual machine,"⁶ especially when the task of restoring peace is admittedly a most difficult one. And he concluded

¹ Keith : "Speeches on Indian Policy", Vol. I, page 315.

² *Ibid*, page 312.

³ *Ibid*, page 332.

⁴ *Ibid*, page 307.

⁵ *Ibid*, page 327.

⁶ *Ibid*, page 328.

by saying :—"I see no reason, either on the score of principle or on the score of the augmentation of patronage, or on the score of time, or constitutional danger, why we should not at once pass the measure."¹ The measure, however, was not destined to be put on the Statute Book. Shortly after its second reading Lord Palmerston was turned out of office on the Conspiracy to Murder Bill and was succeeded by Lord Derby, with Mr. Disraeli as the leader of the House of Commons.

The new ministry had no alternative but to bring forward another Bill on the subject. However, the Bill put forward by Lord Ellenborough and introduced into the House by Disraeli contained such ridiculous clauses that it was laughed out in Parliament. The Bill had proposed a Council which was to consist of both nominated and elected members ; and the system of election was so elaborate and complicated that the opposition led by Lord Palmerston was able to kill the Bill by ridicule. Lord Palmerston applied to the system the remarks of the Spanish boy about Don Quixote. "People meet one another in the street" said he "and one laughed, and the other laughed, and everybody laughed." "What are you laughing at?" said one. "Why at the India Bill, to be sure?" "What are you laughing at?" "Why I am laughing at the India Bill too."² Lord John Russel came to the rescue of the ministry on whose suggestion the ministry was glad to drop its Bill, and to allow the House to express its views first in the form of resolutions. On April 30, 1858, the House passed 14 resolutions on the basis of which the new³ President of the Board of Control, Lord Stanley, drew up a new Bill which ultimately became the Act for the Better Government of India, 1858.⁴

¹ Keith : *Speeches on Indian Policy*, page 328.

² C. L. Anand : "Introduction to the History of the Government of India." Part II, page 46.

³ Lord Ellenborough was compelled to resign in consequence of the disapproval of his dispatch censuring Lord Canning's Oudh proclamation.

⁴ 21 and 22 Victoria C. 106.

VII.

The Act of 1858 transferred the Government of India from the Company to the Crown. India was henceforth to "be governed by and in the name of Her Majesty"¹ "and all the territorial and other revenues of or arising in India shall be received for and in the name of Her Majesty, and shall be applied and disposed off for the purposes of the Government of India alone."²

Secondly, the powers of the Board of Control and the Court of Directors were all transferred to one of Her Majesty's Principal Secretary of State. The Crown was empowered to appoint a fifth Secretary of State to be placed in charge of Indian governance, but who was to be paid out of Indian revenues.

Thirdly, the Act created "a Council of India" consisting altogether of 15 members, seven of whom were to be elected by the Court of Directors and the remaining eight were to be appointed by the Crown, provided, in each case more than half—in all at least nine—were to be persons who shall have served or resided in India for ten years at the least, and shall not have last left India more than ten years next preceding the date of their appointment."³ Future vacancies were to be filled by the Crown. Members were to hold office during good behaviour but could be removed "upon an address of both Houses of Parliament."⁴ They were not to "be capable of sitting or voting in Parliament",⁵ but each one was to be paid "the yearly salary of one thousand and two hundred pounds, out of the revenues of India."⁶

The Council was charged with the duty of conducting under the direction of the Secretary of State, "the business

1 Clause II of the Act. Keith: "Speeches on Indian Policy", Vol. I, page 370.

2 Clause IIInd of the Act *Ibid*, page 370.

3 Clause Xth of the Act. *Ibid*, page 373.

4 Clause XI of the Act, *Ibid*, page 374.

5 Clause XII of the Act. *Ibid*, page 374.

6 Clause XIII of the Act. *Ibid*, page 374.

transacted in the United Kingdom in relation to the Government of India and the correspondence with India."¹ The Secretary of State was made the President of the Council with power to vote,² and in cases of equality of votes, was to have a casting vote as well.³ The Secretary of State was to fix the time of meetings, provided that at least one meeting was held every week;⁴ and he had also the power of dividing "the Council into Committees for the more convenient transaction of business."⁵ "If a majority of the Council record their opinion against any act proposed to be done, the Secretary of State shall, if he do not defer to the opinions of the majority, record his reasons for acting in opposition thereto"⁶; but no grant or appropriation of any part of the Indian revenues, etc., was to "be made without the concurrence of a majority of votes at a meeting of the Council."⁷ "The concurrence of a majority of members present at a meeting" was also required "to make regulations for the division and distribution of patronage and power of nomination among the several authorities in India;"⁸ to make contracts, sales and purchases and to raise loans, etc., on behalf of the Government of India; and in all matters connected with the property and all real and personal estate of the Government of India. The Secretary of State, however, was given the power of sending to and receiving *secret* Dispatches from the Governor-General without having the necessity of communicating them to the members of his Council. He could also send urgent dispatches to India without first submitting them to the Council, but he had to state his reasons for considering the matters urgent.

Fourthly, the Act of 1858 divided the patronage between

¹ Clause XIX of the Act. Keith: "Speeches on Indian Policy", p. 374.

² Clause XXI. *Ibid*, page 375.

³ Clause XXIII. *Ibid*, page 375.

⁴ Clause XXII. *Ibid*, page 375.

⁵ Clause XX. *Ibid*, page 374.

⁶ Clause XXV. *Ibid*, page 376.

⁷ Clause XXI. *Ibid*, page 378.

⁸ Clause XXX. *Ibid*, page 377.

the Crown, the Secretary of State in Council,¹ and the authorities in India. All appointments and all promotions "which by law, or under any regulations, usage, or custom, are now made by any authority in India, shall continue to be made in India by the like authority." Appointments to the Covenanted Civil Service were to be made by open competition under rules to be made by the Secretary of State in Council with the assistance of the Civil Service Commissioners.

Fifthly, the Act of 1858 transferred the military and naval forces of the Company to the service of the Crown. They "shall be deemed to be the Indian military and naval forces of Her Majesty and shall be liable to serve within the same territorial limits only, for the same terms only, and be entitled to the like pay, pensions, allowances and privileges and the like advantages as regards promotions and otherwise as if they had continued in the service of the said Company."² The power of altering conditions and terms of service for "persons hereafter entering Her Majesty's Indian forces" was given to the Crown.

Sixthly, the Act required the Secretary of State in Council to "lay before both Houses of Parliament an account for the financial year preceding that last completed of the annual produce of the revenues of India and such account shall be accompanied by a statement prepared in such form as shall best exhibit the moral and material progress and condition of India"³ The Act also required the communication of orders for the commencement of hostilities to Parliament within three months of the sending of orders to India ; and that "the revenues of India shall not, without the consent of both the Houses of Parliament be applicable to defray the expenses of any military operations carried on beyond"⁴ the Indian frontiers.

¹ The patronage to military cadetships was divided between the Secretary of State and his Council.

Clause XXX, Keith : "Speeches on Indian Policy," Vol. I, p. 377.

² Clause L.VI. *Ibid*, page 380.

³ Clause LIII, *Ibid*, page 379.

4 Clause IV of the Act. *Ibid*, page 380.

Lastly, the Act of 1858 constituted the Secretary of State in Council as a body corporate, capable of suing and being sued in India and in England.

VIII

The Act for the Better Government of India received the royal assent on August 2nd, 1858. On September 1st, the Court of Directors held "its last solemn assembly" and the Company issued "its last instructions to its servants in the East" paid high compliments to its officers in India, and offered to its Sovereign the empire it had built with great enterprise and skill, in very touching words:—

"Let Her Majesty appreciate the gift—let her take the vast country and the teeming millions of India under her direct control ; but let her not forget the great corporation from whom she has received them, nor the lessons to be learned from its success."¹

Thus ended the régime of the Great John Company in India.

¹ Smith : "The Oxford History of India," page 707.

PART II

INDIA UNDER THE CROWN

PERIOD I

1861—1892

CHAPTER VI.

THE BEGINNINGS OF REPRESENTATIVE INSTITUTIONS.

I

The passing of the Government of India Act, 1858, closed one great period of Indian History. It ended the remarkable rule of the East Indian Company and ushered in the direct rule of the Crown. The transference of the powers of government to the Crown was announced to the princes and the people of India by a Royal Proclamation on November 1st, 1858. The Proclamation was couched in a beautiful and dignified language and breathed a spirit of magnanimity, clemency, friendliness and justice. It appealed to the sentiments of those to whom it was addressed and it won for the Queen the lasting loyalty of the princes and the people of India. Declared the Proclamation:—

“We desire no extension of our present territorial possessions We shall respect the rights, dignity, and honour of native princes as our own We declare it our royal will and pleasure that none be in any wise favoured, none molested or disquieted, by reason of their religious faith or observances, but that all shall alike enjoy the equal and impartial protection of the law ; And it is our further will that, so far as may be, our subjects, of whatever race or creed, be freely and impartially admitted to office in our service, the duties of which they may be qualified by their education, ability, and integrity duly to discharge.”¹

The Proclamation extended clemency “to all offenders, save and except those who have been, or shall be, convicted of having directly taken part in the murder of British subjects.”²

¹ Keith : Speeches & Documents on Indian Policy, pages 383 and 384.
² *Ibid*, page 385.

And the Proclamation ended by expressing the earnest desire of Her Majesty "to stimulate the peaceful industry of India, to promote works of public utility and improvement and to administer the Government for the benefit of all our subjects resident therein And may the God of all power grant to us, and to those in authority under us, strength to carry out these our wishes for the good of our people."¹

II

Among the causes of the Mutiny prominent place was given by certain writers to the lack of any real touch between the rulers and the ruled. As pointed out by Professor Dodwell, "many besides the wise and moderate Saiyid Ahmad, attributed much of that irreparable misfortune to a complete failure to gauge public feeling in India, and thought with him that Government's task would be much easier if it could take regular counsel with leading Indians."² Sir Saiyid Ahmad had graphically depicted the evil results of the exclusion of Indians from the legislature. "Government could never know the inadvisability of any of the laws and regulations It could never hear the voice of the people on such a subject. The people had no means of protesting against what they might feel to be a foolish measure But the greatest mischief lay in this, that the people misunderstood the views and the intentions of Government."³ Sir Bertle Frere, in his famous minute of 1860, also urged "the addition of the native element,"⁴ to the councils. And he was convinced that no one will object, "unless he is prepared for the perilous experiment of continuing to legislate for millions of people, with few means of knowing, except by a rebellion, whether the laws suit them or not." In fact, "the terrible events of the mutiny [had] brought home to men's minds the dangers

¹ Keith : *Speeches & Documents on Indian Policy*, page 386.

² Dodwell : *A Sketch of the History of India, 1858 to 1918*, page 230.

³ C. L. Anand : *Introduction to the History of Government in India*, Part II, pages 72 and 73.

⁴ Report on Indian Constitutional Reforms, 1918, page 38.

arising from the entire exclusion of Indians from association with the legislation of the country."¹

The question of giving representation to Indians was raised at the time of the passing of the Act of 1858. But the Parliament had decided against it. It agreed with Mr. Gladstone that it was not right to concede representation or to make any other concessions at a time "when a considerable portion of the natives are still in arms against you"²; because if they are "too narrow [they] will fail to satisfy them; while . . . if they are large and liberal, they may be ascribed not to your deliberate conviction of what is right but to the apprehensions which they think they have excited."² And it was not till 1861 that provision was made for associating Indians with the work of legislation in India.

In 1858, the Parliament decided not to make any changes whatsoever in the system of government in India; but soon circumstances arose which forced the Parliament to make important alterations.

The system of making laws in India was gravely defective. In the first instance, as pointed out above, no non-officials—Europeans or Indians—were associated with the work of legislation. Secondly, the Legislative Council had neither the time nor the requisite knowledge—in spite of the presence of one official representative of each provincial government—for enacting the necessary legislation for the Presidencies of Madras and Bombay and the other newly carved provinces. Thirdly, the Legislative Council had assumed functions which were wholly inconsistent with the existing system of government. Contrary to the intentions of the framers of the Act of 1853, it had developed into "an Anglo-Indian House of Commons," questioning the executive and its acts and forcing it to lay even confidential papers before it. It had refused to submit legislative projects to the Secretary of State before their consideration in the Council and had refused to pass any

¹ Report on Indian Constitutional Reforms, 1918, page 38.

² C. L. Anand: Introduction to the History of Government in India, Part II, page 53 and 54.

legislation required by the Secretary of State (or the Court of Directors before 1858). On the other hand it asserted its right of independent legislation. Sir Charles Wood protested again and again, repeating that he had not intended to give any such powers to the Council, but, as pointed out by Professor Dodwell, "he was neither the first nor the last legislator to fail in limiting the consequences of a Bill to his intentions."¹ The difficulties of the situation were pointed out forcibly by Lord Canning in 1860, in a despatch to the Secretary of State for India, which also contained the proposals of Lord Canning for remedying the situation. In the meantime certain events occurred in India which precipitated the passing of the Indian Councils Act of 1861. "Differences arose between the Supreme Government and the Government of Madras about the Income tax Bill ; serious doubts were expressed about the validity of the laws introduced into non-regulation provinces without enactment by the Legislative Council ; and finally the Governor-General's Legislative Council presented an address asking that certain correspondence between the Secretary of State and the Government of India be communicated to it."² Consequently, on June 6, 1861, Sir Charles Wood asked for leave of the House of Commons to introduce the Bill which, in due course, became the Indian Councils Act, 1861.

The Act of 1861 is important in the constitutional history of India for two chief reasons :—Firstly, because it enabled the Governor-General to associate the people of the land with the work of legislation. In introducing the measure in the House of Commons, Sir Charles Wood dwelt at length on the question of Indian representation. He discussed all the three views held at that time on the subject. The first, that the Parliament should revert to the old method of legislation by the Executive Government alone, was considered unthinkable in the state of feelings then prevailing in India. This was the considered opinion of the whole Government of India. The

¹ Dodwell : History of India from 1858—1918, page 235.

² Report on Indian Constitutional Reforms, 1918, page 39.

second, that there should be a representative body of Indians created for the purpose, was "simply and utterly impossible."¹ It was wholly impractical. And the third, that there should be a representation of the English settlers was "dangerous" and "mischievous".¹ Hence no provision was made in the Act for any representation. Only the Act gave the power to the Governor-General of nominating a certain number of additional members to the Executive Council for purposes of legislation, and thus gave him the opportunity of associating Indians with legislative work. Sir John Wood had emphasised the advantages of associating Indian Chiefs and nobles of which the most important was "to conciliate to our rule the minds of natives of high rank."²

The effects of Indian representation, small and indirect as it was, were far reaching. It not only enabled the Government of India to come into contact with Indian opinion of a type but also encouraged it in assuming a certain measure of independence in legislative matters of the authorities in England. Secondly, by restoring legislative powers to the Governments of Bombay and Madras and by making provision for the institution of similar legislative councils in other provinces, the Act laid the foundations of the policy of legislative devolution which is soon likely to result in granting to the provinces full internal autonomy.

III

The first thing that the Act of 1861 did was to enlarge the Executive Council of the Governor-General by the addition of the fifth ordinary member. A proposal was made in 1860 to abolish the Council altogether and to reduce the members to the position of departmental secretaries. A Committee of the Indian Council had approved the suggestion and it was intended to embody it in the Act of 1861, but, at the last moment, it was decided to retain the Council and to enlarge it by adding a gentleman of the legal profession, a jurist rather

¹ Quoted by Pradhan : *India's Struggle for Swaraj*, page 43.

² *Ibid*, page 45.

than a technical lawyer"¹, as Lord Canning had urged. Consequently, the Act provided that "there shall be five ordinary members three of whom shall be from among such persons as shall have been, at the time of such appointment, in the service in India for at least ten years ;"² and of the remaining two "one shall be a barrister or a member of the Faculty of Advocates in Scotland of not less than five years' standing."³ The Secretary of State retained the power of appointing the Commander-in-Chief as an extraordinary member. And provision was made for co-opting the Governor or the Lieutenant-Governor of the province, in which the meetings of the Council were held, as an extraordinary member.³ The Act empowered the Governor-General in Council to appoint, in case of the anticipated absence of the Governor-General from head quarters, a President of the Council with all powers of the Governor-General, "except that of assenting to or withholding his assent from, or reserving for the signification of Her Majesty's pleasure, any law or regulations, as hereinafter provided."⁴ The Governor-General in Council were also empowered to authorise the Governor-General alone to exercise all or any of the powers of the Governor-General in Council, except those of making laws or regulations.⁴

The Act empowered the Governor-General "to make rules and orders for the more convenient transaction of business in the Council."⁵ This power was utilised by Lord Canning to introduce⁶ the portfolio system in the Indian Government and to make provision for the settlement of minor matters by the member-in-charge of the department, of matters of greater importance in consultation with the Viceroy,

¹ See the Speech of Sir Charles Wood on June 6th, 1861, Keith : Speeches & Documents on Indian Policy, Vol. II, page 7.

² Clause III of the Act. *Ibid*, page 21.

³ Clause 9th of the Act. *Ibid*, page 25.

⁴ Clause VI of the Act. *Ibid*.

⁵ Clause VIII of the Act. *Ibid*.

⁶ The portfolio system was informally introduced by Lord Canning in 1859 but it had no sanction behind it. The sanction it received only through the Act of 1861.

and of matters of general policy in the Council. The net effect of these rules has been according to Professor Dodwell, to reduce "the importance of the Council, and to increase the effective influence of the Viceroy over it."¹ In spite of this, however, the Council has wielded very great influence and power over the administration in India. The comparative influence of the Viceroy and his Council in the Government of India has however depended on personal equation. There have been Viceroys like Lord Curzon who have done whatever they wished ; whilst there have been others who have been almost ciphers ; and still others who have shared the power with the Council almost equally.

Secondly, the Act of 1861 enlarged the Council of the Viceroy for purposes of making laws and regulations by the addition of not less than six nor more than twelve additional members, "provided that not less than one-half of the persons so nominated shall be non-official members."² The term of office for the additional members was two years. Sir Charles Wood was very careful in limiting and defining the powers of the Council this time on account of the functions assumed by the Council constituted under the Act of 1853. "I have seen a measure", he pointed out in his introductory speech in Parliament, "which I myself introduced in 1853, with one view, changed by the mode in which it was carried into execution so as to give it an operation totally different from that which I intended. The mischiefs resulting have been great ; and I am, therefore, anxious . . . to avoid the likelihood of misconstruction or misapplication by the Government of India."³ Accordingly, the Act expressly forbade the transaction of any business "other than the consideration and enactments of"⁴ legislative measures. It was made unlawful "to entertain any motion, unless such motion be for leave to introduce some measure . . . or have reference

¹ Dodwell : History of India, 1858—1919, page 43.

² Clause X of the Act, Keith : Speeches & Documents on Indian Policy, Vol. II, page 26.

³ See Sir Charles Wood's Speech. *Ibid*, page 17.

⁴ Clause 19 of the Act. *Ibid*, pages 28 and 29.

to some measure actually introduced thereinto.”¹ The members were to have no power of asking questions or of calling for papers or of receiving and discussing petitions. Their powers were strictly circumscribed even in matters of legislation:—In the first instance, measures relating to the public debt or public revenues ; religion ; military and naval matters and relations with foreign princes and states were not to be introduced without the previous sanction of the Governor-General. Secondly, the Act gave an absolute veto to the Governor-General, without whose assent no measure could become law. Thirdly, the Act reserved to Her Majesty—acting through the Secretary of State—the right to disallow Acts passed by the Council. Fourthly, an express power was given by the Act to the Governor-General, in cases of emergency “to make and promulgate ordinances”, which, however, were not to remain in force for more than six months. And, lastly, the Act had taken sufficient precautions to provide the Governor-General with a certain majority. Of course the Act gave power to the Council “to make laws and regulations for repealing, amending, or altering any laws or regulations whatever, now in force or hereafter to be in force in Indian territories . . . to make laws . . . for all persons, whether British or native, foreigners or others, and for all courts of justice whatever . . . and for all servants of the Government of India without the dominions of Princes and States in alliance with Her Majesty.”² But there were express savings for certain Parliamentary Statutes relating to India, for preserving in tact the general authority of the Parliament, for maintaining the authority of the Crown, and for retaining the power of the Secretary of State in Council of raising money in the United Kingdom for the Government of India.

Thirdly, the Act of 1861 removed all doubts about the legality of rules and regulations framed by the Governor-General etc., for the newly acquired territories and for what

¹ Clause 19 of the Act. Keith : Speeches & Documents on Indian Policy, Vol. II, pages 28 and 29.

² Clause 22nd of the Act. *Ibid*, page 30.

were called "the non-regulation provinces." Clause 25th of the Act declared "that no rule, law or regulation which prior to the passing of this Act" was made by the authorities concerned "for and in respect of any such Non-Regulation Province, shall be deemed invalid only by reason . . . of . . . not having been made in conformity with the provisions of the said [Charter] Acts."¹

Fourthly, the Act of 1861 restored to the Governments of Madras and Bombay the power of making "laws and regulations for the peace and good government of such Presidency and for that purpose to repeal and amend any laws and regulations made prior to the coming into operation of this Act by any authority in India, so far as they affect such Presidency; provided . . . the provisions of this Act, or of any other Act of Parliament in force, or hereafter to be in force, in such Presidency"² are not affected thereby. However, the previous sanction of the Governor-General was required for the consideration of measures relating to the public debt or public revenues imposed by the Government of India; currency matters; postal and telegraphic communications; penal code alterations; religion; military and naval matters; patents or copyrights; and foreign relations. No measure could become law without the assent of the Governor-General, who had full powers of withholding it. Power was reserved for Her Majesty—acting through the Secretary of State—to disallow any such law or regulation.

For the purpose of provincial legislation the Governor of each Presidency was empowered to nominate the Advocate-General³ of the Presidency and "not less than four nor more than eight" other persons as additional members of the Council, "provided that not less than half of the persons so nominated shall be non-officials."³ The Governor-General was directed to create a similar Legislative Council for the Bengal

¹ Keith: *Speeches & Documents on Indian Policy*, Vol. II, Page 33.

² Clause 42 of the Act. *Ibid*, page 40.

³ Clause 29 of the Act. *Ibid*, pages 35 and 36.

Division of the Presidency of Fort William. The Governor-General in Council was further empowered "to extend the same provisions to the territories known as the North Western Provinces and the Punjab respectively."¹ A Legislative Council for Bengal was established in January 1862, for the North Western Provinces and Oudh in 1886, and for the Punjab in 1897.

Lastly, the Governor-General was empowered to create new provinces for legislative purposes and to appoint Lieutenant-Governors for them ; and to divide or alter the limits of any Presidency, Province or Territory.

IV.

In the year 1861, two other important Acts were passed by the Parliament. One of them was called the Indian Civil Service Act of 1861. The chief object of this Act was to legalise certain appointments made in the past, owing to the exigencies of the time, in contravention of the terms² of the Charter Act of 1793 and to reserve almost all higher civil appointments for the members of the Covenanted Civil Service. These appointments were enumerated in a Schedule and ranged from below the rank of Executive Councillorships—including the Secretaryships of the departments of both the Government of India and the various Provincial Governments, the posts of the Accountants-General, the memberships of the Boards of Revenue, etc.,—to the grade of Assistant Collectors. The Government of India, however, was given the power to appoint persons who were not members of the Covenanted Civil Service in exceptional circumstances ; but the special reasons for such appointments were to be submitted to the Secretary of State in Council and unless sanction was received within twelve months, the appointments would cease to have

¹ Clause 44 of the Act. *Ibid*, Pages 41.

² According to the Act of 1793 all civil posts under the rank of Councillorship were reserved for the civil servants of the Presidency and promotion in the service was to be regulated strictly according to seniority. These restrictions were not actually observed, hence the need for legalising the appointments by the Act of 1861.

effect. All statutory restrictions were, however, removed in case of all appointments not contained in the Schedule.

For the recruitment of members to the Covenanted Civil Service open competitive examinations were held in London once every year under the supervision of the Civil Service Commissioners according to the rules framed by the Secretary of State in Council. In 1860, the maximum age for candidates to appear at the Civil Service examination was lowered to 22 and in 1866 to 21, which meant that the Covenanted Civil Service—and, with the passing of the Act of 1861, all higher civil appointments in the country—was effectively closed to Indian youths in defiance of all the pledges given to the Indian people by both the Crown and the Parliament. It was not possible for Indians to compete in London at such a tender age under the then existing social and educational conditions in India. In this connection it may be mentioned that a Committee of five members of the India Council was appointed in 1860 to suggest methods of redeeming Parliamentary pledges to Indians. The Committee recommended the only feasible method, that of holding simultaneous examinations in England and in India, for the recruitment to the Covenanted Civil Service. This recommendation was, however, not acted upon, in spite of the assurance of the Civil Service Commissioners that they did "not anticipate much difficulty in arranging for this."¹ And it is interesting to note that the Report of the Committee of 1860 is not included in the papers officially published by the Government of India on the subject.

V.

Another important Act passed in 1861 was the Indian High Courts Act of the year. As a result of the labours of the Law Commissioners who were appointed under the Acts of 1833 and 1853, laws and procedures were codified. The Code of Civil Procedure became law in 1859, the Indian Penal Code

¹ Quoted by Mr. Ramsay Macdonald in *The Government of India*, Page 103.

in 1860, and the Code of Criminal Procedure in 1861. Another important step that was taken to improve the administration of justice in India was by the passing of the Indian High Courts Act in 1861. This Act empowered the Crown, by Letters Patent, to establish High Courts of Judicature at Calcutta, Madras and Bombay, and upon their establishment the old Supreme Courts and the *Sadar Diwani* and *Faujdari Adalats* were to be abolished and their jurisdictions transferred to the newly constituted High Courts. Each of these new Courts was to consist of a Chief Justice, and not more than fifteen judges ; of whom "not less than one-third including the Chief Justice, shall be Barristers, and not less than one-third shall be members of the Covenanted Civil Service."¹ Persons who had held certain judicial posts for not less than five years and pleaders of not less than ten years standing were also eligible for judgeships of the High Courts. The judges were to hold office "during Her Majesty's Pleasure."² The jurisdiction of the High Courts was to be defined by Letters Patent establishing them. However, the Act conferred on them, besides the jurisdiction of the abolished courts, the power of superintending over all courts subject to their appellate jurisdiction, of calling for returns from them, of directing the transference of suits from one court to another, and of issuing "general rules for regulating the practice and proceedings of such Courts,"³ etc. The Act finally empowered Her Majesty to create and establish a Court of Judicature, of the same type as for the three Presidencies, "in and for any portion of the territories within Her Majesty's Dominions in India, not included within the limits of local jurisdiction of another High Court."⁴ This power was utilised in 1866 to create a High Court for the North Western Provinces at Allahabad.

¹ Clause 2nd of the Act, Mukherjee : Indian Constitutional Documents, Vol. I. Page 391.

² Clause 4th of the Act, *Ibid*, Page 391.

³ Clause 15 of the Act, *Ibid*, pages 394 and 395.

⁴ Clause 16 of the Act, *Ibid*, page 395.

The Indian High Courts Act of 1865 empowered "the Governor-General of India in Council—to transfer any territory or place, from the jurisdiction of one to the jurisdiction of any other"¹ High Court. The Act of 1865 also gave power to the Governor-General in Council to enable the High Courts to exercise their jurisdiction over Christian subjects of Her Majesty resident in Indian States.

VI.

In the year 1861 another Act was also passed which brought to an end the separate existence of the European Army of the East Indian Company. In 1853, it will be remembered, the military forces of the Company were transferred to the Crown. But "many of the European troops refused to acknowledge the authority of the Parliament to make this transfer. They demanded re-engagement and bounty as a condition of the transfer of services."² They went to the length of making a "demonstration" in 1859, which has been described by some writers as "Dumpy Mutiny"³—owing to the small number of the troops involved in the affair. In 1861 they were asked to join the regular army or to get their discharge. Thus the organisation of a separate European Army was brought to an end. But this did not mean any decrease in the strength of the British troops in India. On the other hand, the reorganisation of the army after the mutiny led to a large increase in their strength.

At the time of the Indian Mutiny the Army in India consisted of under 40,000 Europeans and 215,000 Indians. Besides the Royal Troops which numbered altogether 24,263⁴ there were some 15,000 British Troops in the Company's Indian Forces. The Company's Troops consisted of three separate forces in the three Presidencies of Bombay, Bengal and Madras,

¹ Clause 3 of 1865 Act, Mukerjee: Indian Constitutional Documents, Vol. I, 412.

² Ilbert: Historical Survey, Page 98.

³ Ilbert: *Ibid.*, see footnote, Page 98.

⁴ See Appendix I. The Army in India and its Evolution, (Government Publication), Page 195.

recruited independently on different principles. Besides the regular troops of the Company there were irregular¹ and local troops raised in the various parts of the Country.² "Further, besides the Company's troops of all kinds, regular, irregular, and local, a considerable supplementary native force had gradually arisen, which was practically at the disposal of the British Government, in the various contingents of the native states The aggregate strength of these contingents was about 35,000 men."³

Before the Mutiny each Presidency had its own independent military establishment. Each Presidency Army was separate and had its own separate organisation, though the liability to serve in another Presidency in time of war was definitely recognised. There are instances of such service from the earliest times. There were, however, difficulties in the way of co-operation among the Presidency armies as they were recruited on different principles. "The Bengal army consisted of class battalions composed of men of high caste ; the units of the Madras and Bombay armies were of mixed classes of men of lower caste."⁴ In some Presidencies accommodation was provided for families of men, in others not. The men in the army of one Presidency therefore resented service in another and the attempt to do so led several times to insubordinate conduct, sometimes amounting even to a mutiny.⁵ On the whole, however, the relations between Indians and the British in the army were very friendly. The British officers had implicit faith in their men and there was no distrust of Indians. "The greater part of the artillery in India was manned by native soldiers."⁶

All this, however, was changed after the mutiny. A Royal Commission, known as the Peel Commission, was appointed in 1858 which submitted its report in 1859. The army was

¹ Among the irregular troops the most important "was raised in the Punjab from Sikhs, Pathans and other warlike races". Strachey : India : Its Administration and Progress, Page 477.

² Chesney : Indian Polity, Pages 285-286.

³ *Ibid*, page 286.

⁴ The Army in India and its Evolution, page 16.

⁵ *Ibid*, page 17.

⁶ Strachey : India : Its Administration and Progress, page 477.

reorganised in 1861 in accordance with the recommendations of the Peel Commission.

The organisation of 1861 was based on three important principles. The first two are stated by the Report of the Commission on Indian Army Reorganisation, 1879 thus: "The lessons taught by the Mutiny have led to the maintenance of two great principles, of retaining in the country an irresistible force of British troops, and of keeping the artillery in the hands of Europeans."¹ And the third principle still more sinister in its effects was stated by the Report of the Punjab Committee on Army Organisation, 1858, in the following words:—"Next to the great counterpoise of a sufficient European force, comes the counterpoise of natives against natives To preserve that distinctiveness which is valuable, and which while it lasts makes the Mohammedan of one country fear or dislike the Mohammedan of another, corps should in future be provincial, and adhere to the geographical limits within which differences and rivalries are strongly marked."²

Consequently the provincial system of army organisation was maintained and the control over the army was not unified.

Secondly, the strength of the Indian Army was considerably reduced. "Some cavalry and infantry units were disbanded, others were amalgamated, and all the Indian artillery, with some notable exceptions, was abolished."³

Thirdly, a distinction between "martial" and "non-martial" races was created and recruitment to the army was confined very largely to the so-called martial races of Northern India.

Fourthly, the majorities of corps in Bengal and Punjab were reconstituted on the "class company" basis—"that is to say, the regiments draw recruits from three or four different races and recruiting grounds, but the men of each class or race

¹ Strachey: *India: Its Administration and progress*, page 478 and Garratt: *An Indian Commentary*, pages 201-2.

² Quoted in Garratt: *An Indian Commentary*, page 202.

³ *The Army in India and its Evolution*, page 18.

are kept apart in separate companies."¹ This was done in consequence of the policy of "counterpoise of natives against natives." The Madras and Bombay armies were still locally recruited on the "mixed" system, though in the Bombay regiments "an admixture of Sikhs and Hindustanis from northern India"² was added.

Fifthly, the strength of European troops was greatly increased. "It was decided that the proportion of native and European troops in India should never greatly exceed two to one, and that the field and other artillery should be exclusively manned by Europeans."³ The maximum number of British troops in India was fixed at 80,000. In 1879 the actual number was 65,000 while those of Indian troops 135,000.⁴ "All the fortresses in the country . . . [were] . . . served by British artillery. All the heavy batteries and all the batteries of field artillery . . . [were] . . . manned by Europeans."⁵

Lastly, in order to remedy the two defects of the older system of regimental cadres of officers—*i.e.*, the ability to bear the strain of the absence of officers on extra regimental duty and disparity in the rate of promotion in different regiments⁵—three staff corps were organised. All military officers whether serving on the staff of the army or of units, or in military departments, or in civil employ were placed on the Staff Corps of each presidency.

The army reorganisation of 1861 was completed by 1865. A few years after it was found that the new system also was not free from defects. The Afghan War of 1878-80 made it necessary to re-examine the position. Consequently another Commission⁶ was appointed in 1879 "to explore the avenues by which military expenditure might be decreased, and to

¹ Report of the Commission on Indian Army Reorganisation, 1879, quoted by Strachey: *India: Its Administration and Progress*, page 480.

² *Ibid.*, Page 480.

³ Report of the Commission on Indian Army Reorganisation, 1879, *Ibid.*, page 478.

⁴ *The Indian Army and its Evolution*, page 21.

⁵ *Ibid.*, page 19.

⁶ The Commission on Indian Army Reorganisation, 1879, popularly known as the Eden Commission.

recommend measures to improve the efficiency of the army in India for war."¹

"The immediate result of the Commission's recommendation was the addition of 1 British officer to Indian cavalry and infantry regiments, and the reduction of the strength of the Indian armies by 4 cavalry regiments and 18 infantry regiments. At the same time the strength of each cavalry regiment was increased from 499 to 550 of all ranks, and of each infantry (single battalion) regiment from 712 to 832."¹

However, the most important recommendation of the Eden Commission was virtually to abolish the Presidency Armies, which was not carried out till 1895. The changes that were gradually made to unify army control and organisation in India will be dealt with in a later Chapter.²

To return to the changes made in consequence of the transference of power from the Company to the Crown:—In 1858, the naval force of the Company was also transferred to the Crown, but instead of amalgamating it with the Royal Navy, it was disbanded in 1863. It was decided that the naval defence of India should be undertaken by the Royal Navy. The position is still the same. India is dependent for her naval defence on the Imperial navy, towards the cost of which she pays £100,000 a year. There is, however, now a Royal Indian Marine, but its duties are mainly those of troops transport, port supervision and marine survey.

¹ The Army in India and its Evolution, page 21.

² See Chapter XIII *infra*.

CHAPTER VII

CHANGES : ADMINISTRATIVE & POLITICAL.

I

The legislation of 1861 was of basic importance. It provided India with the frame-work of government which has lasted up to the present time. The later statutes have, no doubt, made many changes both in the theory and the practice of government in this country and there have been important alterations and additions in the machinery of administration but they have all been made within the frame-work of 1861.

The first change was made in 1865. In that year an Act called the Government of India Act, 1865 was passed, which brought all British subjects in Indian States within the legislative jurisdiction of the Governor-General in Council and empowered the Governor-General in Council to define and alter the boundaries of the various presidencies and provinces. Another Government of India Act was passed in 1869, which empowered the Secretary of State to fill the vacancies in the India Council as they arose. This Act also changed the tenure of membership of the India Council from, "during good behaviour" to a term of ten years. Finally, it transferred the right of filling vacancies in the Councils in India from the Secretary of State to the Crown. Another Act of the same year—the Indian Councils Act, 1869—brought all Indian subjects of Her Majesty, whether living in India or abroad, under the legislative jurisdiction of the Government of India.

The Indian Councils Act of 1870 was of a more important nature. In the first place, it gave to the Governor-General in Council power of passing regulations without submitting them to the consideration or vote of the Legislative Council. The Governor in Council, the Lieutenant-Governor or the Chief Commissioner, as the case may be, of the area to which the

Secretary of State in Council, applied Section I of the Act, was empowered "to propose to the Governor-General in Council drafts of any regulations, together with the reasons for proposing the same, for the peace and good government of any part or parts of the territories under his government or administration."¹ If they were approved by the Governor-General in Council and were assented to by the Governor-General, they were to be published in both the Gazette of India and the local gazette. On their publication the regulations were to have the same force as if they had been made by the regular meetings of the Legislative Council. Thus power was again given to the Governor-General to legislate for the less advanced tracts, which was fully utilised for the purpose in subsequent years.

The Act of 1870 made provision for co-opting also the Lieutenant-Governor or the Chief Commissioner of the territory in which a meeting of the Viceroy's Legislative Council was held as an additional member.

Secondly, the Act of 1870 reiterated the power of the Governor-General to overrule his Council and laid down the procedure to be adopted in case of differences between the Viceroy and his Council. In this connection the Act used the formula which has been verbally repeated in later statutes. The Act gave the Governor-General the power to "suspend or reject or adopt and carry into execution" against the opinion of the majority, any measure, which in his opinion affects "the safety tranquility or interests of the British possessions in India, or any part thereof"², "but in every such case any two members of the dissentient majority may require that the said suspension, rejection or adoption, as well as the fact of their dissent, shall be notified to the Secretary of State for India"² along with copies of any minutes that the dissentient members may have recorded on the subject.

¹ Clause I of the Act. Mukherjee: Indian Constitutional Documents, Vol. I, Page 224.

² Clause 5 of the Act. *Ibid*, page 225.

Thirdly, the Act enabled the Governor-General to appoint Indians to places in the Civil Service without requiring them to pass the competitive examination in England. As has already been mentioned above the passing of the Indian Civil Service Act of 1861 and the regulations framed for the Indian Civil Service Examination in 1860 and 1866 and the social and religious conditions prevalent in India had practically closed all higher appointments above the rank of an Assistant Collector to the peoples of the land. To allay discontent Lord Lawrence had established nine foreign scholarships of the value of £200 a year each, tenable for three years, to encourage Indian students to go to England for study with a view to enter "the Civil or other Services in India" among other things. But the arrangement was not approved by the Duke of Argyll, the then Secretary of State for India, and the scholarships were consequently abolished. But the Government felt it necessary to provide, as the Act of 1870 put it, "additional facilities . . . for the employment of natives of India of proved merit and ability in the Civil Service."¹ The Government of India was asked to frame rules to give effect to the provisions contained in Clause 6 of the Act.

II

The Government of India did not like the provision made by the Act of 1870 and delayed till 1873 the making of regulations, inspite of the repeated reminders of the Secretary of State. And when the regulations were after all ready and received in England, they were found—by the Law Officers of the Crown—"to be clearly opposed to the spirit and intention of the Act"² and "to place too narrow a construction upon the Statute."³ New rules were made in 1875 by Lord Northbrook's Government, which however remained inoperative, except for one or two appointments to the judicial branch of the

¹ Clause 6th of the Act : Mukherjee : Indian Constitutional Documents, Vol. I Page 235.

² C. L. Anand : History of the Government of India, Part II, Page 255.

³ Quoted by Ramsay Macdonald in his Government of India, Page 103.

Service.¹ In 1787, the Government of India proposed to close the Covenanted Civil Service altogether to Indians in a despatch which is characterised as "disgraceful" by Mr. Ramsay Macdonald. In a confidential forwarding note the Viceroy (Lord Lytton) indulged in some plain speaking:—He confessed "that both the Government of England and of India appear unable to answer satisfactorily the charge of having taken every means in their power of breaking to the heart the words of promise they had uttered to the ear."² He continued:—"Under the terms of the Act, which are studied and laid to heart by that increasing class of educated natives, whose development the Government encourages without being able to satisfy the aspirations of its existing members, every such native if once admitted to government employment in posts previously reserved to the Covenanted Service, is entitled to expect and claim appointment in the fair course of promotion to the higher posts in that service. We all know that these claims and expectations never can and will be fulfilled. We have to choose between prohibiting them and cheating them, and we have chosen the least straightforward course. The application to natives of the competitive examination system as conducted in England and the recent reduction in age at which candidates can compete, are all so many deliberate and transparent subterfuges for stultifying the Act and reducing it to a dead letter."³ Lord Lytton consequently proposed to close the Covenanted Civil Service to Indians and to create "a close native service" to satisfy the provisions of the 1870 Act. However, "the despatch was rejected with something like contemptuous anger,"⁴ and the Government of India was asked to frame new rules to carry out the intentions of the 1870 Act. In 1879 rules were framed by the Government,

1 Decennial Report on Moral and Material Progress, 1892. Extracts given by Chabiani and Joshi: Readings in Indian Constitution and Administration, Page 361.

2 Quoted in Ramsay Macdonald: Government of India, Page 104.

3 Quoted by C. L. Anand in History of Government in India Part II, page 255.

4 Ramsay Macdonald: "Government of India", page 104.*

according to which the statutory section of the Civil Service was built up.

The rules of 1879 empowered the Governor-General in Council to appoint, from among the persons recommended by the provincial governments, a certain number of Indians "of good family and social standing" every year, provided that the number did not exceed one-fifth of the appointments made by the Secretary of State in the year. The proportion was reduced to one-sixth by the authorities in England and at the same time, to prevent Indians from getting in through competition, the maximum age for the Indian Civil Service examination was reduced to 19 years.

These rules were not worked properly and men without adequate educational qualifications or general ability were appointed on the plea that they belonged to families of good social standing.¹ The system was opposed by Indians from the very beginning, who desired equal opportunities of competing for the Indian Civil Service. A strong agitation was set up in the country as a result of which Lord Dufferin's Government appointed a Public Services Commission in 1886 to examine the whole question. The Commission was presided over by Sir Charles Aitchison and consisted of 15 members, of whom 5 were Indians. The Report was submitted to the Government of India in December 1887.

The Commission reported against the holding of simultaneous examinations in England and India.² The arguments advanced were curious and mischievous in their suggestiveness. The Commission doubted whether the successful Indian candidates "would possess in a sufficient degree the qualities essential for high administrative office."³ It held that "competition in India would operate with inequality excluding altogether some important classes of the community, while giving undue advantage to others."³ It was further

¹ For arguments in favour of giving posts to men of social standing see the extract from the Decennial Report, Chabiani and Joshi: Readings in Indian Constitution and Administration, page 362.

² Three Indian members of the Commission recorded their dissent.

³ Report of the Public Services Commission, 1886, page 49.

pointed out that owing to the failure of the vast majority to obtain posts, as the number of vacancies to be filled each year was very small, there would be created "a large disappointed and thereby probably discontented class which would cause embarrassment to the Government."¹ And lastly the Commission emphasised "the importance of recruiting that service (which represented the only permanent English official element in India)—with reference to the maintenance of English principles and methods of government."¹ The real reason was stated with greater frankness by Sir John Strachey: "Let there be no hypocrisy about our intention to keep in the hands of our own people those executive posts—and there are not very many of them—on which, and on our political and military power, our actual hold of the country depends."²

The Commission was expressly appointed to recommend a scheme which would "do full justice to the claims of natives of India to higher and more extensive employment" in the Public Services. On the recommendation of the Commission, the designation "Covenanted Civil Service" was abolished and all the Public Services were divided into three grades the Imperial, Provincial and Subordinate. All the important, superior posts were put in the first group and recruitment to them was placed under the Secretary of State in Council. From most of these Indians were excluded either by a racial bar³ or by practical difficulties put in their way by rules and regulations.⁴ As far as the Indian Civil Service was concerned, the maximum age was raised to 23 years, so as to enable some Indian students to compete in England. The other two classes were ordinarily recruited from the people of the land or those domiciled in India by the Provincial Governments. The

¹ The Report of the Public Services Commission, 1886, page 49.

² Strachey: India: Its Administration and Progress, Page 547.

³ To the Police examination no one was admitted except British subjects of European descent.

⁴ Appointments in the P. W. D., Forest Service, etc., were filled either by Royal Engineers or by graduates of the Cooper's Hill College, whose cost was borne by India, but to which admission was given to British subjects of European descent. Pure Indians found it very difficult to gain admission and the number of Indians selected in any case was not to exceed a small percentage.

Statutory Civil Service was abolished and in its place certain posts—61 in all for the whole of India—held by the superior service were listed and they were made available to members of the Provincial Service by promotion. Thus the provisions of the 1870 Act were ultimately satisfied by the system of "listed posts." It must, however, be remembered that men holding these "listed posts" do not enter the superior service, and are paid only two-thirds of the salaries paid to Europeans holding the same posts.

III

Two short Acts were passed in 1871. The first, the Indian Councils Act, 1871, enlarged the powers of the provincial legislatures in respect of the trial of European subjects by magistrates.¹ And the second, the Indian Bishops Act, regulated the leave of absence of bishops from India. The East India Company was formally dissolved from 1st January, 1874, by an Act of 1873.

In 1874 was passed another Indian Councils Act, which empowered Her Majesty to appoint a sixth ordinary member of the Viceroy's Council, "who shall be called the member of Council for Public Works purposes."² Her Majesty was also given power to reduce the number to five again, whenever she felt it necessary, by not filling a vacancy caused in the Council by the retirement of any ordinary member, except the Law Member.

Another Indian Councils Act was passed in 1876, which empowered the Secretary of State to appoint for special reasons, any person having professional or other peculiar qualifications³ to be a member of the Council of India on the same conditions "as if he had been elected or appointed before the passing of the Act of 1869,"³ i.e. "during good behaviour" and not for ten years only. The special reasons were to be stated in a minute and were to be laid before both

¹ Mukherjee: Indian Constitutional Documents, Vol. I, Page 227.

² Clause I of the Act, *Ibid*, page 181.

³ Clause I of the Act of 1876, *Ibid*, page 178.

Houses of Parliament. It was also laid down that "not more than three persons appointed under this Act shall be members of the Council at the same time."¹ Ilbert believes that this Act was passed with special reference to the appointment of Sir Henry S. Maine to the India Council.²

In 1889, the Council of India Reduction Act was passed which authorised the Secretary of State to refrain from filling in vacancies in the Council of India until the number was reduced to ten.

Two minor Acts were passed, one in 1880,³ which enabled the Secretary of State to regulate by order certain salaries and allowances which had been previously fixed by statute ; and the other in 1884,⁴ which gave the Governor-General in Council the power of legislating for the maintenance of discipline in the Royal Indian Marine.

IV.

The Government of India had passed, as we have seen above, from the hands of the East India Company to those of the Crown in 1858, but this fact had not been recognised by any change in the title or status of the Queen. As pointed out by Lady Betty Balfour in her Book "Lord Lytton's Indian Administration":—"Embarrassment inseparable from the want of such appropriate title had long been experienced with increasing force by successive Indian administrators, and brought, as it were, to a crisis by various circumstances incidental to the Prince of Wales's visit to India in 1875-76."⁵ Consequently, Lord Northbrook's Government had suggested to the Home Government the desirability of the assumption of a new title by Her Majesty. The suggestion made a strong

¹ Clause 1 of the Act. Mukherjee : Indian Constitutional Documents, Vol. I, Page 178.

² See Footnote, Page 107. Ilbert : "Historical Introduction to the Government of India".

³ Indian Salaries and Allowances Act, 1880, *Ibid*, page 107.

⁴ Indian Marine Service Act, 1884, *Ibid*, page 107.

⁵ Quoted by Mukherjee in his introduction to Indian Constitutional Documents, Vol. I, Page XXVIII.

appeal to the pomp-loving Imperialist, Disraeli, who was then the Prime Minister in England. It was, therefore, announced in the speech from the Throne in 1876 that Her Majesty considered "that moment a fitting one for supplying the omission" of 1858. A Bill was introduced in Parliament for this purpose, which however, aroused a considerable opposition in the House of Commons,¹ but was ultimately passed as the Royal Titles Act, 1876. By this Act, the full title of Her Majesty became "Victoria, by the grace of God, of the United Kingdom of Great Britain and Ireland, Queen Defender of the Faith and Empress of India." The translation of the new title was a matter of great importance, because, according to Disraeli, it was in India that it was chiefly needed. "It is desired in India. It is anxiously expected. The Princes and nations of India . . . look to it with the utmost interest."² Ultimately, the term "*Kaiser-i-Hind*" was chosen, because "it was short, sonorous, expressive of the Imperial character which it was intended to convey, and a title, moreover, of classical antiquity."³

One effect of the passing of the Royal Titles Act, 1876, was to bring the Indian States inside the boundary of the Indian Empire and to change the legal position of the Indian Rulers from Allies of the Paramount Power to subordinate Princes within the Empire. No longer were the principles of international law—which had been officially recognised and embodied in state documents—applicable to the case of Indian States. "The Supreme Government no longer felt any scruple about interfering in the internal affairs of a Protected State for adequate reason, or even in changing the ruler, if such a drastic course should be necessary."⁴

¹ See Disraeli's speech, Mukherjee: Indian Constitutional Documents, Vol. I, Pages 438 to 444.

² *Ibid*, page 444.

³ *Ibid*, page XXIX.

⁴ "The Principles of international law" declared a Resolution of the Government of India in 1891, (Gazette of India, No. 1700E, August 21, 1891) "have no bearing upon the relations between the Government of India as representing the Queen Empress on the one hand, and the Native States under the sovereignty of Her Majesty, on the other. The Paramount Supremacy of the former presupposes and implies the subordination of the latter." See Smith: "Oxford History of India," Pages 739 and 740.

V.

British foreign policy after the Crimean War was dominated by the fear of the Russian influence in Central Asia. To what extent the Russian threat to India was real, it is difficult to say—it is sufficient here to note that it affected the British policy both in Europe and in India greatly and that the Second Afghan War was directly connected with it. Lord Canning and his successors had followed the policy of "masterly inactivity" which resulted in alienating the sympathies of the new Amir Sher' Ali. Russians took advantage of this to assert their influence in Afghanistan. Lord Lytton came out to India to change the British Policy. He prepared the ground by taking possession of Quetta, an outpost in Khalat of great strategical importance. European atmosphere at the time was darkened by the Russo-Turkish War and English relations with Russia had reached a breaking point owing to the Russian threat to Constantinople. Russians decided to improve their position by a move in Afghanistan—they sent an envoy to the Amir, whom he received, although he had excused himself from receiving the English mission. By this time the European situation had been settled by the Congress of Berlin and Lord Lytton saw his opportunity of bringing the Amir to book. Lord Lytton wrote to the Amir requesting him that an English envoy be received at the Afghan Court, to which no reply came. Lord Lytton backed up his request by sending Chamberlain with a small force, who was, however, stopped at Ali Masjid and forced to return. This was regarded as "inopportune haste" by the Home Government, which wished to avoid war as the European crisis had been averted by the Berlin Congress. However, there was no course open but to issue an ultimatum which resulted in the Declaration of War.

"The Campaign, which opened in November 1878, was short and brilliant. Roberts forced the Kurram Pass ; Stewart occupied Qandhar ; Sher' Ali fled into Turkistan and died ; his son, Yakub, opened negotiations ; and on May 26th, 1879, was signed the treaty of Gandamak, which placed Afghan

relations under British control, admitted a British envoy to Kabul and assigned to the British the district of Pishin as a bridgehead beyond the passes in consideration of a subsidy of six lakhs."¹

The settlement which was good lasted only a few months. On September 3rd, the English envoy was massacred by the riotous troops at Kabul. A costly and difficult war had to be undertaken again, which resulted in the abandonment of the policy of Gandamak. Abdur Rahman, the long-exiled nephew of Sher' Ali, appeared on the scene and began to negotiate for recognition with Lord Lytton, who, however, had to leave India and was replaced by Lord Ripon. The new Viceroy came to terms with Abdur Rahman, which secured the British control over Afghanistan. Pishin was also retained by the Indian Government, though this was opposed in England. The settlement with Abdur Rahman proved much more lasting.

The only other war which disturbed the peaceful progress after the passing of the 1861 Act and before the Reforms of 1892 was the Third Burmese War, during the Viceroyalty of Lord Dufferin. This was due to the same anxiety on the part of the British Government "to keep other European powers at arm's length" which had resulted in war with Afghanistan. The European Power in the case of Burma was France, which had established itself in Indo-China and was carrying on negotiations with King Thibaw, who had begun to show marked unfriendliness to the English. The war was precipitated by the imposition of a fine of 23 lakhs of rupees on the Bombay and Burma Trading Company. It lasted only a fortnight, ending on November 28th, 1886, in the annexation of Upper Burma and the deportation of King Thibaw and his family to Ratnagiri in the Bombay Presidency. This closed the chapter of annexations—because, "nothing more remained to be taken."²

¹ Dodwell : *History of India, 1858—1918*, Page 140.

² Smith : *Oxford History of India*, Page 761.

CHAPTER VIII.

CONSTITUTIONAL DEVELOPMENT.

1861—1892.

I.

During the period 1861-1892, *i.e.*, between the passing of the Indian Councils Act, 1861 and that of the Indian Councils Act, 1892—the first two landmarks in the history of representative government—there took place in India several events of constitutional importance: The Press Act was passed (1878) and repealed; the people of the land were deprived of the right of keeping Arms; fierce controversy over “Ilbert Bill” embittered Anglo-Indian relationship, personal relations between the Royal House and the Princes and the people of India were established; differences between the Home Government and the Government of India arose which led to Viceregal resignations; the abolition of cotton duties undermined faith in the justice and sense of fair play of the British; the policy of financial devolution was started; an important experiment in Local Self-Government was inaugurated; and, above all, the foundations of the Indian National Movement were laid.

II.

The Press in India had remained free ever since the passing of the Act XI of 1835, which had abolished all restrictions on the freedom of religious and political discussion, except temporarily at the time of the mutiny. The Licensing Act of 1857 required every printing press to obtain a license—which, if granted, could be revoked at any time. All applications were to be made to the Governor-General in Council, which may grant licenses on any conditions they pleased or refuse to grant without assigning any reasons. No “observations

impugning the motives or designs of the British Government, whether in England or in India, or in any way tending to bring it into contempt, weaken its authority or that of its servants, civil or military"¹ were to be published. The Licensing Act was withdrawn next year as its duration was limited by a provision in the Act itself to one year. In 1867 the provisions of the Act XI of 1835 were re-enacted. But, in 1870, the well-known section 124A was inserted in the Indian Penal Code, which provided that "whoever, by words either spoken or intended to be read, or by signs or by visible representation, or otherwise excites or attempts to excite, feelings of disaffection towards Her Majesty or the Government established by law in British India shall be punished with transportation for life or any shorter term, to which a fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine."²

There was rapid growth of papers in India since the mutiny. By 1870 there were 644 newspapers in British India of which more than four hundred were in the vernacular. "In Bengal particularly quite a number of cheap news-sheets, written mostly in the Bengali language, purveying all sorts of information and criticisms, sometimes ill-informed and sometimes over-balanced, but seldom losing touch with the new spirit, rapidly sprang up, and congregations of dozens of eager, illiterate listeners to a single reader of these papers at a stationery stall or a grocer's shop in the leisurely evening became a common sight."³ The administration of Lord Lytton was alarmed at the rapid growth of the power of the press and began to complain of the extreme nature of the criticisms published in the vernacular papers. The provision, all comprehensive as it has proved to be, in Section 124A of the Indian Penal Code, was considered inadequate and unsatisfactory in as much as it did not prevent the commission of crimes, but only punished the offenders after the crime had

¹ C. L. Anand : History of Government in India, Part II, Pages 221 & 222.

² Ranchhodas and Thakore : The Indian Penal Code, Page 110.

³ A. C. Mazumdar : Indian National Evolution, Page 22.

been actually committed and the harm had been done. This matter was receiving the consideration of the Government for the past two years until in March 1878 it assumed an unaccountably sudden importance. On the 13th March the Viceroy sent a telegram to the Marquis of Salisbury, the then Secretary of State for India, stating that "the increasing seditious violence of the Native Press, now directly provocative to rebellion"¹ has necessitated the immediate enactment of a special measure on the lines of the Irish Coercion Act of 1870. The provisions of the Bill were outlined in the telegram, and the sanction of the Secretary of State was immediately requested, as the measure was to be passed "at a single sitting on the plea of urgency, which is not fictitious."¹ The sanction was received on the 14th March and "the Bill was introduced into the Legislative Council *the very same day*, and passed into law within a couple of hours. Thus was passed the Vernacular Press Act of 1878, more popularly known as the 'Gagging Act'.¹

The Act of 1878 empowered a magistrate—with the previous sanction of the Provincial Government—to require a printer or publisher to deposit security or enter into a bond binding himself not to print or publish anything likely to excite feelings of disaffection towards the Government or hatred between the different races. The Government was given the power to warn and to confiscate the plant, deposit, etc., in the event of the publication of undesirable matter. The Printer was offered the alternative to submit proofs to the official censor and drop all rejected matter and thus escape from the operation of the Act.

The Vernacular Press Act of 1878 was even more stringent than the Irish Coercion Act of 1870 in that no appeal was allowed to any judicial authority against the decision of the magistrate. It was, as pointed out by Sir Erskine Perry in his minute of dissent recorded in the proceedings of the India Council, "a retrograde and ill-conceived measure, injurious to

¹ Mody : Sir Pherozechah Mehta, Vol. I, Page 96.

the future progress of India." "No imperial legislator could forge a more powerful weapon for extirpating an obnoxious Press."¹

The "Gagging Act" aroused a storm of opposition in Indian educated circles, especially in Bengal, where it was more strictly enforced. A monster meeting was held in the Calcutta Town Hall, attended by 5,000 persons, to protest against the measure and to appeal to the House of Commons for its repeal. The agitation was continued both in India and in England—till the change of the ministry in England and the appointment of Lord Ripon as the Viceroy in India.

Lord Ripon was anxious to repeal the Act from the beginning but he took time to overcome the opposition of the officials, both inside and outside his Council. This is clear from the correspondence that passed between the Viceroy and the Secretary of State on the subject. Lord Ripon remarks: "The discussions (with the officials) remind me more of the arguments of the French Conservatives of the times of Louis XVIII and Charles X than of anything else which I have read."² "The fact is that the Indian official regards the Press as an evil, necessary perhaps, but to be kept within as narrow limits as possible; he has no real feelings of the benefits of free discussion."³ However, Lord Ripon was successful in getting the Vernacular Press Act repealed in 1882. Professor Dodwell points out that the decision of Lord Ripon was "in this particular . . . far in advance of the rest, for it was inconsistent with the nature of government as it was, and as he meant it to continue"⁴; and he quotes with approval the remarks of Munro: "A free Press and the dominion of strangers are things which are quite incompatible and cannot long exist together."⁴ It must, however, be frankly stated that the freedom of the Press after 1882 appreciably helped the

¹ Quoted by Mody in his Biography of Sir Pherozeshah Mehta, Vol. II, Pages 96 and 97.

² Quoted by Lucien Wolf in his Life of Lord Ripon, Vol. II, Page 111.

³ *Ibid*, Page 114.

⁴ Dodwell: History of British India, 1858-1918, pages 252-253.

Indian National Movement and that the enactment of the Press Act again in 1910 considerably hindered its progress.

III.

Another measure, which has been equally unpopular with Indians and which was passed in the same year as the Vernacular Press Act of 1878 is the Indian Arms Act—Act XI of 1878. The Government of Lord Lytton has been accused of a deliberate design to emasculate Indian manhood in order to further British Imperialistic aims. To me it appears that the passing of the Arms Act was the natural outcome of the policy of distrust followed by the British Government after the Mutiny¹ and that it came in 1878 because the discontent in the country was then at its height. The policy followed by Lord Lytton since his arrival in India had antagonised the people ; and the famine of 1877 had reduced the masses to terrible straits. The fire was smouldering among the people² and the government of Lord Lytton became greatly alarmed—and the results were the twin acts of repression: the Vernacular Press Act and the Indian Arms Act of 1878.

The Arms Act made it a criminal offence to keep, bear or traffic in arms without license by the Indians. Heavy penalties were prescribed to enforce the provisions of the Act³ ; and by the rules made under the Act the Europeans and other white persons and the East Indians or the Eurasians along with certain government officers and other dignatories were exempted from the operation of the Act.⁴ Power was given to the Commissioners of Police in the Presidency towns and Rangoon and to the district magistrates elsewhere in British India to grant licenses for a fixed period and on payment of

¹ See Chapter X.

² There is testimony to this effect of Mr. Hume & Sir W. Wedderburn, see pages 79 to 81, Wedderburn: "Allan Octavian Hume".

³ The ordinary punishment for not complying with the provisions of the Act was "imprisonment for a term which may extend to three years or with fine, or with both", (Section 10 of the Act) but it could be increased in cases of concealment or attempts at concealment to a term which may extend to seven years or with fine or both". (Section 10 of the Act) F. C. Widge's "Indian Arms Act XI, 1878", Pages 47 and 67—68.

⁴ See, Schedule 1 of the Rules, item 13, *Ibid*, page 170.

fees prescribed for the purpose for which the license was granted after making full enquiries regarding the antecedents of the applicants from authorised persons.¹ The working of this rule in a very strict and narrow spirit and the discrimination between full-blooded Indians and others have made the measure particularly obnoxious and galling to Indians. The Indian National Congress has urged its repeal in many a session but with very little effect. Except for a slight relaxation in some provinces in regard to swords, spears and other sharp instruments the Indian Arms Act still continues to be enforced all over the country.

IV.

The Viceroyalty of Lord Ripon made a deep impression on the minds of the people in India. His liberal and sympathetic attitude won for him the great esteem and affection of the people. But his term of office was marked by a fierce and bitter racial controversy over what is known as the "Ilbert Bill". The measure did not originate with Sir Courtney Ilbert. It was the outcome of a letter of the Bengal Government of 20th March, 1882, written under Sir Ashley Eden's orders, and enclosing a note from Mr. B. L. Gupta, I.C.S. Sir Ashley's letter pointed out the inexpediency and difficulty of maintaining an invidious distinction between the European and Indian members of the Covenanted Civil Service. By the existing law, Europeans outside the Presidency towns could be tried only by European Magistrates or Judges. "If this power is not conferred upon native members of the Civil Service, the anomaly may be presented of a European Joint Magistrate who is subordinate to a native District Magistrate or Sessions Judge, being empowered to try cases which his immediate superior cannot try. Native Presidency Magistrates within the towns exercise the same jurisdiction over Europeans that they do over natives, and there seems to be no sufficient reason why Covenanted native Civilians, with the position and

¹ See Rule No. 30. Widge : Indian Arms Act XI of 1878, page 151.

training of a District Magistrate or a Sessions Judge, should not exercise the jurisdiction over Europeans as is exercised by other members of the services."¹ The views of Mr. Romesh Chandra Dutt, who was then Magistrate of Barisal, were published in the Gazette of India of 8th September, 1883, and they reinforced the arguments of Mr. Gupta and Sir Ashley Eden. Mr. Romesh Dutt was of opinion that this discrimination was bound to weaken the authority of the Indian officers. And he put forward a strong plea for the removal of this invidious distinction: "Having called them [Indians] to administer districts, collect revenues, extend education, and keep down crime; having required from them the same degree of efficiency and administrative vigour and wisdom as has hitherto been manifested by trained English Administrators, it is no longer possible for Government to meddle with the powers which naturally belong to that position, and which are necessary for the responsible work which has to be done. Little distinctions, small curtailment of powers, petty disqualifications based on race or caste, are out of place, are virtually impossible, when it has been decided to entrust the administration of districts to the natives of India."²

It was not possible for Lord Ripon's Government to reject such arguments and it was decided to do away with the racial discrimination and a Bill to this effect was drafted by Sir Courtney Ilbert, the Law Member of the Council. The measure was introduced into the Legislative Council in 1883 and a huge uproar was raised by Europeans everywhere in the country, and especially in Bengal. "The merchants of Calcutta, who were not personally interested, were as violent as the planters of Behar who were. Ripon's entertainments were boycotted³ He himself was insulted³ The attitude assumed was disagreeably reminiscent of the 'colonial'

¹ Quoted by Mr. J. N. Gupta in "The life and Works of Romesh Chandra Dutt", page 94.

² *Ibid*, page 95.

³ For graphic details, see pages 125 to 128 of Mody: "Sir Pherozeshah Mehta," Vol. II., and Lucien Wolf: "Life of Lord Ripon", Vol. II, pages 128 to 150.

spirit—of the West Indian Assembly desiring to accord legal privileges to their slaves or South Africans discussing missionary teaching among the natives.”¹ The Anglo Indian Community formed a Defence Association, with its headquarters at Calcutta and branches in different parts of the country. Over a lakh and a half of rupees² were raised for the purpose of agitation, and a monster indignation meeting was held in the Calcutta Town Hall, “at which the speeches were of an intemperance beyond all limits of decency. Similar meetings were held all over the Presidency, and the Anglo-Indian Press notably the *Englishman*—became utterly hysterical.” “Among other features of their campaign, the Volunteers were openly incited to resign in a mass, and certain persons even ‘sounded opinions in the Canteens’—in other words, attempted to seduce the army.”³

It is difficult to understand the depth of the feelings aroused by the measure which was described by Lord Ripon himself as one “required by administrative convenience” and though “just in itself” was “not of sufficient importance or urgency.”⁴ No one except perhaps Sir Henry Maine⁵ had anticipated the

¹ Dodwell : History of India 1858 to 1918, page 261.

² Bannerjee : A Nation in Making, page 85.

³ Lucien Wolf : Life of Lord Ripon, Vol. II, page 128.

⁴ *Ibid*, page 136.

⁵ At the time when the matter was considered in England Sir Henry Maine, who was a member of the Indian Council, was in Paris. He was consulted from there. He wrote a minute which was read out in the Council but was later mislaid by the Secretary of State. He had put it in his coat pocket, changed the coat and forgot all about it—and its contents never reached India as they were meant to do. The Minute while approving the measure, pressed for the modification suggested in Mr. Hope’s note of dissent, and contained a mild warning. It stated : “The few objections, if they exist, to the measure can only be judged of in India. . . . It is a question of sentiment, and there is a competition of sentiments. The natives feel, or profess to feel, humiliated by race-distinction affecting the powers of the judges. The Europeans are alarmed, or affect to be alarmed, at the new power given to the natives of bringing race-hatred to bear on them. The great explosions of European feelings have generally had this class of questions for their pretext. One cannot be quite sure that the present moderate proposal may not provoke one and then the consideration will arise whether the game was worth the candle.” Maine ended by suggesting that the Viceroy should be privately warned of the “seriousness of an European Explosion” and that he should consult some of the non-officials about this, “say the Advocate-General and the European members of the legislative Council”, Lucien Wolf : Life of Lord Ripon, Vol. II., pages 379-381.

least bit of trouble. The proposal had emanated from the Government of Bengal and the other Local Governments had been duly consulted. The Secretary of State and his Council had approved of the measure. Experienced officials like Sir Alfred Lyall had been taken into confidence. No one had given any idea of the seriousness of the explosion that was to take place. Writes Lord Ripon to the Earl of Kimberley : "If I had known what would happen I should not have let myself in for this storm"¹ and again "I am not sure I should have moved in the matter just now, had I supposed that Englishmen in India had learnt nothing and forgotten nothing since the days when they threatened to drown Macaulay in the Hooghly."²

Lord Ripon had investigated the causes and had come to the conclusion : "The Bar have been very sore about the reduction of judges' pay and Mitter's appointment as Acting Chief Justice, and were only too glad of an opportunity to do the Government an injury if they could ; and the idea of an opposition to the Bill was started in the Bar Library by some of the English Barristers."³ The Calcutta capitalists were afraid, according to Mr. Lambert, the Head of the C.I.D. at that time, that their white agents in the tea gardens "would not get proper justice in the Criminal Courts"³ presided over by "native" judges. The Eurasians were sore about the Rurki Bill, which confined admittance to the Engineering College to Asiatics of pure blood. "Then to make their grievance a general one they raised the cry of danger to European Women."⁴

The Bill, as it was introduced in the Legislative Council, on February 2, 1883, gave the power of trying European sub-

¹ Lucien Wolf : Life of Lord Ripon, Vol. II, page 135.

² *Ibid*, page 136.

³ *Ibid*, page 130.

⁴ *Ibid*, page 131. This proved to be the most effective cry. It was put by Meredith Townsend to Tom Hughes in a letter in this manner :— "Would you like to live in a country where at any moment your wife should be liable to be sentenced on a false charge of slapping an Ayah to three days' imprisonment, the Magistrate being a copper-coloured Pagan who probably worships the Linga, and certainly exults in any opportunity of showing that he can insult white persons with impunity."

jects to all District Magistrates and Sessions Judges irrespective of whether they were European or Indian. It also empowered "the Local Governments, outside the Presidency towns, "to confer these powers upon those members (a) of the Covenanted Civil Service, (b) of the Native Civil Service constituted under the Statutory Rules, and (c) of the Non-Regulation Commissioners, who are already exercising first-class magisterial powers, and are, in their opinion, fit to be entrusted with these further powers."¹ No distinction was to be made between European and native officers. In August, the Government approached the Secretary of State for permission to modify the Bill. It was proposed that "the extended powers should only be granted to Sessions Judges and District Magistrates and that the High Court should have power to transfer the hearing of a case from one court to another."² In December these modifications were announced in the Council but the opposition refused to accept them. Ultimately a compromise was arranged, which came to be called "the Concordat"³ which was embodied in the Act III of 1884. The Act gave to Indian District Magistrates and Sessions Judges the power of trying European subjects on the condition that the European offenders should have the right of claiming, even in most trivial cases, trial by jury, of which at least half the number must be Europeans or Americans. The European Magistrates and Judges were also deprived of summary powers. However, the powers of the District Magistrates were extended to imprisonment for six months or fine up to two thousand rupees.

The Act of 1884 did not really remove either the racial discrimination—it changed it from the judges to the accused—or the administrative inconveniences. In several respects the position became worse. As remarked by Sir John Strachey, the Act gave Europeans in India a claim, "which could not be made by an Englishman in any Magistrate's court in his own

¹ Lucien Wolf: *Life of Lord Ripon*, Vol. II, page 126.

² *Ibid*, page 142.

³ For the terms of the Concordat. See *Ibid*, pages 146-47.

country.”¹ It, moreover, created awkward situations. To quote Sir John again, “There are many districts in which it may happen, . . . that a sufficient number of Europeans and Americans cannot be found to constitute a jury ; the case must then be transferred to another district where a jury can be formed. Thus a possibility is afforded for the occasional revival of the old scandals and denials of justice and hardship which were common before 1872, when the trial of European British subjects could only take place before the High Courts, and complainants and witnesses were liable to be sent away to great distances from their homes.”²

The Ilbert Bill controversy was a great eye-opener to Indians. They realised that justice was not to be expected where privileges and vested rights of Europeans were concerned and that they must be prepared for a long fight to establish their claim to equality. The affair also demonstrated the value of organised agitation to Indians. These were lessons well-worth learning.

V.

The period 1861 to 1892 saw the establishment of personal relations between the Royal House and the Princes and the people of India. In 1869, H.R.H. the Duke of Edinburgh—the second son of Queen Victoria—paid a visit to India ; and, in 1875-76, the then Prince of Wales—afterwards King Edward VII—toured through the whole country, receiving an enthusiastic and cordial welcome, wherever he went. This policy reached its full development in 1911 when Their Majesties, King-Emperor George V and Queen Empress Mary came to India to receive in person the homage of their Indian allies and subjects and were crowned at Delhi the Emperor and Empress of India.

¹ Sir John Strachey : India, its Administration and Progress, page 111.

² *Ibid*, page 112.

VI.

The Government of India Act, 1858, had made the Home Government more powerful than it had been before the mutiny. The principle was definitely established "that the final control and direction of the affairs of India rest with the Home Government and not with the authorities in India."¹ The high dignity of "those who are called upon to administer its [Indian] affairs on the spot, in no degree exempt them from the necessary tie of subordination."² The theory of Parliamentary sovereignty was quite definite on the point. However, till 1870, conditions were such that a great deal of liberty had to be allowed to the Indian authorities in practice. Difficulties and delays of communications prevented the Secretary of State in Council from exercising real control and enabled the Viceroys to present the Home authorities with accomplished facts. As a matter of fact, the Secretary of State came to be regarded by the officials in India, as Sir Bartle Frere put it, "as the representative and colleague of the Viceroy in the Cabinet and Parliament and as the exponent of the Viceroy's measures to the English Parliament and people."³ All this, however, was changed in 1870 by the completion of a direct telegraphic line by submarine cable, by way of the Red Sea, between England and India. The change brought about by the Red Sea cable was so great that it made Lord Ripon write: "I am not sure that if I had known exactly how matters stood I should have come out here."⁴ From 1870 not only were general principles laid down but orders were also passed by the India Office on matters of detail; and it made no difference whether the subject of these orders related to the executive or the legislative department of administration.

The stricter control led to increased opportunities for conflict between the authorities in England and the head of

¹ Dispatch of the Secretary of State, 1871. Report on Indian Constitutional Reforms, 1918, page 22.

² *Ibid.*, page 23.

³ Quoted by Dodwell: History of India 1858 to 1918, page 34.

⁴ *Ibid.*, page 36.

the administration in India ; and in the case of Lord Northbrook matters reached such a pass that there was no recourse open to him but to resign. The case of Lord Northbrook also illustrates the difficulty that a Viceroy in India is likely to experience when he and the Secretary of State for India belong to two different parties and believe in different political tenets.

"The debate on cotton duties in 1894 was the last occasion on which the issue was raised. Sir Henry Fowler¹ then laid it down positively that the principle of the united and indivisible responsibility of the Cabinet, which was recognised as the only basis on which the Government of the United Kingdom could be carried on, applied to the Indian Executive Councils, in spite of the different nature of the tie which held its members together."²

VII

The question of the cotton duties was the chief subject over which acute differences developed between the Home Government and the Government of India. And, it is painful to record, that nothing else has so clearly demonstrated to Indians the hollowness and insincerity of British professions of justice and disinterested service as the controversy over the cotton duties, in which case, Indian interests were shamelessly³ and deliberately sacrificed to those of Lancashire.

It was in January 1874, that the Manchester Chamber of Commerce, alarmed at the growth of the Indian Cotton Industry and the intention of some Bombay manufacturers "to import Egyptian and American raw cotton into India to manufacture finer yarns and cloth,"⁴ addressed a memorial⁵ to the Secretary

¹ Sir Henry Fowler was then the Secretary of State for India.

² Report on Indian Constitutional Reforms, 1918, page 23.

³ Sir John Strachey openly declared in the Legislative Council in 1877 :—"The interests of Manchester, at which some foolish people sneer, are the interests of not only of the great and intelligent population engaged directly in the trade in cotton, but of millions of English men; I am not ashamed to say that . . . there is no higher duty in my estimation than that I owe to my own country." Banerjee : Fiscal Policy in India, pages 75 and 76.

⁴ Report of the Indian Fiscal Commission, 1922, page 83.

⁵ For a summary, See Banerjee : Fiscal Policy in India, pages 66 & 67.

of State for India protesting against the existing import duties of $3\frac{1}{4}$ per cent. on yarn and 5 per cent. on cotton cloth. The memorial alleged that "a protected trade was springing up in British India to the disadvantage of both India and Great Britain,"¹ and "prayed that early consideration might be given to the subject of the duties with a view to their abolition."²

In November 1874, the Government of India appointed a Committee to go into the whole question of the tariff and, as a result of the Committee's recommendations, decided to lower the scale of valuation and the general rate of import duties from $7\frac{1}{2}$ to 5 per cent.³ This meant a relief of Rs. 8,80,000 or "nearly 11 per cent. of the whole duty paid"⁴ by the cotton import trade, as pointed out by Mr. J. C. Hope in introducing the Tariff Bill of 1875. The Government also expressed its readiness to impose an import duty of five per cent. on long-staple cotton ; but declined to abolish the cotton duty because it could not "practically operate as a protection to native manufacture."⁴

Lord Salisbury, who was then Secretary of State for India disapproved of the Tariff Act of 1875 and sent several dispatches to the Viceroy in this connection urging the abolition of the cotton duties at an early date, as they offered "a false encouragement to the Indian Manufacturer" and "were a matter of serious importance both to Indian and Imperial interests."⁵ Lord Northbrook in his reply on behalf of the Government of India dwelt upon both the economic and political aspects of the question. He pointed out that it was unreasonable to demand—in the words of the Tariff Committee of 1874—"that, because one class of goods, represented by 4 lakhs of duty in all India, has in one part of India to meet a local competition, 'the Government, shall remit the remaining 77 lakhs which

¹ Report of the Indian Fiscal Commission, 1922, page 88.

² Banerjee : Fiscal Policy in India, page 67.

³ The duty had been raised to $7\frac{1}{2}$ % again in the meantime.

⁴ Banerjee : Fiscal Policy in India, page 90.

⁵ *Ibid*, page 72.

competition does not affect.”¹ The Government was not in a position to sacrifice such a large revenue which “is open to no serious objection, which is levied without any difficulty and which is not felt by the people of India.”² The Government of Lord Northbrook finally pointed out that “it is our duty to consider the subject with regard to the interests of India ; we do not consider that the removal of the import duty on cotton manufactures is consistent with those interests.”³

This attitude on the part of Lord Northbrook ultimately led to his resignation and the appointment of Lord Lytton as the Viceroy, who, soon after his appointment, declared himself in favour of the abolition of the cotton duties, as did also his Finance Member, Sir John Strachey, in 1877.⁴ In the month of August of the same year the House of Commons passed a resolution declaring:—“That, in the opinion of this House, the duties now levied upon cotton manufactures imported into India, being protective in their nature, are contrary to sound commercial policy ; and ought to be repealed without delay, so soon as the financial condition of India will permit.”⁵

“As a first step towards giving effect to the policy enjoined by Parliament and the Secretary of State, the Government of India exempted those coarser qualities of cotton with which the Indian manufactures were likely to compete successfully. This involved considerable financial sacrifice, and that in a year of deficit when the imposition of fresh taxes was found necessary.”⁶ The second step was taken next year (1879) when Lord Lytton—by an executive order and not by legislation—exempted “from duty all cotton goods containing no yarn of a higher number than 30s.”⁷ This decision was strongly opposed by the majority⁸ of the Viceroy’s Council and could

¹ Banerjee : Fiscal Policy in India, page 68.

² Report of the Indian Fiscal Commission, 1922, page 91.

³ *Ibid*, page 92.

⁴ A quotation from Sir John Strachey’s speech is given in a footnote on page 153 above.

⁵ Report of the Indian Fiscal Commission, 1922, page 92.

⁶ Banerjee : Fiscal Policy in India, page 79.

⁷ *Ibid*, pages 79 and 80.

⁸ The notes of dissent written by four members of the Council are worthy of serious study. Mr. Whitley Stokes gave seven cogent reasons. He was convinced that the people of India regarded the decision “solely

only be taken by overruling the Council under section 41 of the Government of India Act. The law gave power to the Viceroy to overrule his Council, when in his opinion, "the safety, tranquility or interests of British India, or of any part thereof, are or may be essentially affected." It was held by Sir Erskine Perry that the Viceroy's action "was unconstitutional and a dangerous precedent for the future, if allowed to be passed unnoticed."¹

The Viceroy's action was strongly resented by public opinion in India. "A large and influential meeting was held in Bombay on the 3rd May, 1879 at which a petition to be submitted to the House of Commons was adopted."² The European Chambers of Commerce strongly disapproved the step.³ However, the action of the Viceroy was heartily approved by the Secretary of State for India, though seven members of his Council were opposed to it and the Secretary of State had to use his casting vote⁴ to secure its approval by the India Council. The House of Commons passed a resolution accepting "the recent reduction in those duties as a step towards their total abolition to which Her Majesty's Govern-

in the interest of Manchester and for the benefit of the conservative party." And he added a sentence whose "keen satire," writes Mr. R. C. Dutt, "is not excelled . . . in official literature." He wrote, "of course, the people of India will be wrong; they always must be wrong when they impute selfish motives to the ruling race. Nevertheless, the evil political results likely to follow from this popular conviction should not be ignored and should if possible be avoided." He characterised Viceroy's decision to effect the change in the tariff by an executive order as "what lawyers call a fraud on the power; and there is, unfortunately no court of equity to relieve the people of India against it." Sir Alexander Arbuthnot characterised the action as "unwise and ill-timed" and "destructive of the reputation for justice." This view was supported by Sir Alexander Clarke.

¹ Dissenting note of Sir Erskine Perry recorded in the proceedings of the India Council, Quoted by Banerjee: *Fiscal Policy in India*, page 84.

² Mody: *Sir Pherozeshah Mehta*, Vol. I, page 105.

³ Banerjee: *Fiscal Policy in India*, page 83. The Madras Chamber of Commerce recorded its opinion that this was a "most unsuitable time for thinking of sacrificing any of the state's resources under pressure from interested and imperfectly informed foreign manufacturers." The Bengal Chamber of Commerce wrote to the Governor-General expressing regret at the state of affairs when the interests of a small section of the people in England had more influence "than the interested and expressed wish of the people under the Government of Your Excellency."

⁴ The Council of India was equally divided; seven voting in favour and seven against. See *Indian Fiscal Commission Report*, page 92.

ment are pledged."¹ This was done in 1882. In that year not only were the remaining cotton duties repealed, but the whole of the general import duties were abandoned,"² because it was considered "doubtful whether it would be possible to maintain a tariff when the chief article imported from abroad was excluded from its operation"²

The abolition of the cotton duties in 1882 ended the controversy between the Home Government and the Government of India for the time being. But this was, by no means, the end of the matter. Financial needs raised the question again in 1894 and on later occasions and the matter continued to excite bitter feelings both in India and in England till very recently. As a matter of fact it is doubtful whether Lancashire is yet reconciled with the solution of the question which has been ultimately adopted. But these matters will be dealt with later in their proper places.

¹ The Report of the Indian Fiscal Commission, 1922, page 92.

² *Ibid*, page 93.

CHAPTER IX.

FINANCIAL DEVOLUTION AND LOCAL SELF-GOVERNMENT.

I

The credit of initiating financial decentralisation belongs to Lord Mayo's Government. Ever since 1833 all financial powers in India were concentrated in the hands of the Governor-General in Council. Even, at the time of the passing of the Indian Councils Act, 1861, which, as has been shown above, restored legislative powers to the Provincial Governments, no relaxation was permitted. "The whole of the revenues from all the provinces of British India were treated as belonging to a single fund, expenditure from which could be authorised by the Governor-General in Council alone."¹ The provincial governments had no powers of taxation or borrowing, "save in respect to local cesses which were levied in some provinces, principally for roads, schools, and other items of local expenditure."² They had no power of incurring any fresh expenditure, without the sanction of the Government of India. As Sir John Strachey has written: "they could carry out no improvement, great or small, for which an actual expenditure of money was required. If it became necessary to spend £20 on a road between the local markets, to rebuild a stable that had tumbled down, or entertain a servant on the wages of 10sh. a month, the matter had to be formally reported for the orders of the Government of India."¹

The evils of such concentration in a vast and varied country like India can easily be imagined. As stated by Lord Mayo's Resolution "The supreme government is not in a position to understand fully local requirements; nor has it the knowledge necessary for the successful development of local

¹ Strachey: India, Its Administration and Progress, page 121.

² Report of the Decentralisation Commission, page 54.

resources."¹ But what was still more serious was that the system engendered a spirit of hopeless rivalry and of laying up demands on the central exchequer among the various provincial governments and offered no inducements whatsoever to economy of expenditure. As pointed out by Sir Richard Strachey—who was the real author of the reforms associated with the name of Lord Mayo—in a passage that has become classical: "The distribution of the public income degenerated into something like a scramble, in which the most violent had the advantage, with very little attention to reason. As local economy brought no local advantage, the stimulus to avoid waste was reduced to a minimum, and as no local growth of the income led to local means of improvement the interest in developing the public revenues was also brought down to the lowest level."²

The evils of such a system had attracted the attention of several officials. General Dikens had suggested a reform as early as 1860. Mr. Laing, the Finance Member had drawn attention to the subject in his budget statements of 1861-62 and 1862-63; and Sir Richard Strachey had drawn up a definite scheme of Provincial Finance in 1867, but the matter was not actually dealt with until the time of Lord Mayo. On the 14th December, 1870, Lord Mayo's Government issued a Resolution on the subject, which introduced certain important modifications and inaugurated the policy of Financial Devolution, which has been systematically developed since that time.

The Resolution of 1870 transferred to the control of the Provincial Governments, the following heads of expenditure, with the revenue accruing from them, and in addition, a fixed annual Imperial grant for the purpose:—Jails, Registration, Police, Education, Medical Services, Printing, Roads, Miscellaneous Public Improvements and Civil Buildings. The deficit, if any, was to be met either by local taxation or by reduction of expenditure; and any portion "that may be unspent at the end of the year will not lapse to the Imperial Revenues, but

¹ Mukherjee: "Indian Constitutional Documents," Vol. I, page 624.

² The Report on Indian Constitutional Reforms 1918, page 69.

will remain at the disposal of the Local Government.”¹ Provincial Governments were given power, subject to certain conditions, to create appointments, provided the salary in each case did not exceed Rs. 250 a month, and the amount could be met out of assigned grants.

Lord Mayo’s Government expected that the new arrangement “will produce greater care and economy ; that it will import an element of certainty into the fiscal system which has, hitherto, been absent ; and that it will lead to more harmony in action and feeling between the Supreme and Provincial Governments than has, heretofore, prevailed.”² But this was not all. “The operation of this Resolution, in its full meaning and integrity, will afford opportunities for the development of self-government, for strengthening municipal institutions, and for the association of natives and Europeans to a greater extent than heretofore in the administration of affairs.”³

The greatest drawback in the system introduced by Lord Mayo’s Government was that no attempt was made to apportion the Imperial grant to the various Provinces according to their real needs. The level of expenditure that had already been reached—according to the old defective system—in the various provinces by the year 1871, was made the basis of Imperial assignments, which had the result of stereotyping inequalities. As pointed out by Mr. Gyan Chand in his Financial System of India “the province which had a low level of expenditure owing either to economical administration or to difficulty of access to the Central Government or to its undeveloped or backward state, due to recent annexation, was penalised for its economy, unassertiveness or worse still, backwardness.”⁴ And this mistake has never since been corrected. On the other hand, the defective basis has been used for later schemes of decentralisation, which have thus further accentuated inequalities.

¹ Para 18 of the Resolution, Mukherjee : Indian Constitutional Documents, Vol. I, page 628.

² Para 22 of the Resolution, *Ibid*, page 629.

³ Para 23 of the Resolution, *Ibid*, page 630.

⁴ Gyan Chand : The financial System of India, page 143.

Another defect of the 1871 arrangement was that no attempt was made to secure economy in the collection of revenue. "Thus, while, a direct interest had been given to them [Provincial Governments] in distributing their resources well, and in spending them economically, they had no such interest in the collection of the revenues ; and, meanwhile the excise and stamp duties were notoriously evaded, and the government suffered, through collection of revenue." So, the Government of Lord Lytton by its scheme of 1877 attempted to interest the Provincial Governments in the collection of revenue.

The scheme of 1877, which was drawn up by Sir John Strachey, the then Finance Member of the Viceroy's Council, transferred some more heads of expenditure—Land Revenue, Excise, Stamps, General Administration, Stationery, Law and Justice—to the control of the Provincial Governments. And for the discharge of the services newly imposed on them the Provincial Governments were given, not an increase in their permanent grants, but a share in the revenue realised under certain heads in their respective provinces. Revenues derived from excise, stamps, law and justice, collections from certain estates, and some miscellaneous items were assigned to the Provincial Governments "on the condition that the Supreme Government should take half of any surplus realised over the specified amount that these sources were estimated to yield, and should bear half of any deficit."¹

The experiment of entrusting powers of financial control to Provincial Governments worked well and the Government of Lord Ripon, with Major Baring (later Lord Cromer) as Finance Member, decided to increase still further provincial responsibility in financial matters. This was done by the Resolution of September 30, 1881.

By the Settlement of 1882, the system of giving a fixed grant was abolished and the provincial governments were assigned certain sources of revenue and a share from certain

¹ Mukherjee : Indian Constitutional Documents, Vol. I, page LXI.

other sources of revenue. The sources of revenue were divided into three classes :—Imperial, Provincial and Divided. The revenue from provincial heads was placed wholly at the disposal of the Provincial Governments ; that from the divided heads was shared, mostly in equal portions, between the Provincial and the Imperial Governments ; and the revenue derived from imperial heads was to be utilised to meet central expenditure, with the exception that the deficiency in provincial income was to be made good by giving a fixed percentage on the land revenue, which was included among the imperial heads. The other imperial heads were : Customs, Posts and Telegraphs, Railways, Opium, Salt, Tributes, the Mint, Home Charges and Military Receipts. Receipts by Civil Departments and from Provincial Public Works were made wholly provincial ; and the rest including Excise, Stamps, Forests, and Registration were divided among the two. And, to put an end to uncertainty, the Resolution of 1881 introduced the system of quinquennial settlements. The Resolution also defined the financial relations of the Imperial and Provincial Governments in respect of extraordinary charges—for war and famine. Except in very abnormal and disastrous circumstances no demand was to be made on Provincial Governments for war ; and early and timely help was promised to Provincial Governments to meet famine expenditure. The Provincial Governments were excused from accumulating any special reserve for famines in view of the annual allotment of £1,500,000 for Famine Relief and Insurance by the Government of India.

Thus the position of the Provincial Governments was considerably improved. In 1884 a minimum limit to the credit balance of each Provincial Government was prescribed by the Central Government to prevent excessive fluctuations in provincial finance. The system introduced in 1882 was renewed, without any modifications of the principles involved, in 1887 and again in 1892 and 1897. But these renewals brought to light serious defects in the system of quinquennial settlements. They were graphically depicted by the Lieutenant-Governor of Bengal in his speech in the Supreme Legislative Council in

1896:—"I must say I deprecate the way in which these quinquennial revisions have too frequently been carried out. The provincial sheep is summarily thrown on its back, close-clipped and shorn of its wool, and turned out to shiver till its fleece grows again. The normal history of a provincial contract is this—two years of screwing and saving and postponement of works, two years of resumed energy on a normal scale, and one year of dissipation of balances in the fear that if not spent they will be annexed by the Supreme Government, directly or indirectly at the time of revision. Now all this is wrong, if not demoralising. I say the Supreme Government ought not to shear too closely each quinquennium. . . . It would be an immense gain to Local Administrations if the Government of India could see its way to renewing the contracts with as little change as practicable on each occasion. It is only in this that the element of fiscal certainty, which was put forward in 1870 as one of the main objects, can be secured."¹ To what extent these defects were removed by the Settlement of 1904 will be discussed later.

II.

The credit of initiating the policy of developing local self-governing institutions also belongs to the Government of Lord Mayo. In fact the policy of financial devolution and that of encouraging the development of local self-government were intimately connected with each other. As quoted above, the Resolution on Provincial Finance, 1870, was expected "to afford opportunities for the development of self-government, for strengthening municipal institutions" and for associating Indians and Europeans more and more with the work of Government.

Municipal Government had existed in the presidency towns for a long time before 1870, but the first attempt to introduce municipal government outside the presidency towns was made in Bengal by Act X of 1842. Its object was to enable "the

¹ Quoted by G. K. Gokhale in his evidence before the Welby Commission of 1897. Page II, Appendix I—Speeches of Gokhale.

inhabitants of any place of public resort or residence to make better provision for purposes connected with public health and convenience."¹ Based upon the voluntary principle it could take effect in no place except on the application of two-thirds of the house-holders It was only introduced into one town, and there the inhabitants when called upon to pay the tax, not only refused, but prosecuted the Collector for trespass when he attempted to levy it."² The Act of 1842 was repealed in 1850 and Act XXVI of the same year was passed to found municipal institutions in the various provinces of India. As direct taxation had made the Act of 1842 very unpopular, the Act of 1850 allowed indirect taxation. This Act was also of a permissive nature :—"The Government of any Province was empowered to bring the Act into operation in any town only when satisfied that the application to that effect is in accordance with the wishes of the inhabitants The Government was then authorised to appoint the magistrate and such number of inhabitants as may appear necessary to be commissioners, on whom large powers [were] conferred for making rules. It is under this power that the levy of octroi duties, now so common, first became legal in India."³ This Act was only availed of largely in the North-Western Provinces and Bombay. In 1863 the Royal Army Sanitary Commission submitted its report and as a result of its recommendations municipal Acts in the various provinces were passed—in 1864 in Bengal, in 1865 in Madras, in 1867 in the Punjab, in 1868 in the North Western Provinces. These Acts authorised the use of elections for constituting municipalities, but election was actually introduced only in the Punjab and the Central Provinces. The chief function entrusted to the newly constituted municipalities was the improvement of sanitation.

The Resolution on Provincial Finance, 1870 referred prominently to the necessity of taking steps to bring local

¹ Moral and material Progress Report 1882, Chabiani and Joshi : Readings in Indian Administration, page 400.

² Imperial Gazetteer of India, Vol. IV, page 286.

³ Moral and Material Progress Report, 1882. Chabiani and Joshi : Readings in Indian Constitution & Administration, page 401.

interest, supervision and care to bear on the management of funds devoted to education, sanitation, medical charity and local public works. For this purpose new municipal Acts were passed for the various provinces between 1871 and 1874 which besides giving larger powers, made provision for the extension of the elective principle, though it was only in the Central Provinces that popular representation was widely or successfully adopted. The results of the policy of 1870 were thus summarised in the Resolution on Local Self Government, 1882 :—"Considerable progress had been made since 1870. A large income from local rates and cesses had been secured, and in some provinces the management of the income had been freely entrusted to local bodies. Municipalities had also increased in number and usefulness. But there was still a greater inequality of progress in different parts of the country than varying local circumstances seemed to warrant. In many places services admirably adopted for local management were reserved in the hands of the Central Administration, while everywhere heavy charges were levied on municipalities in connection with the Police, over which they had necessarily no executive control."¹

Lord Ripon's Government, in its Resolution on Provincial Finance, 1881, had invited "the Local Governments to undertake a careful scrutiny of provincial, local and municipal accounts with the view of ascertaining (1) what items of receipt and charge can be transferred from 'Provincial' to 'Local' heads for administration by committees comprising non-official, and wherever possible, elected members, and what items already 'Local' but not so administered, might suitably be so ; (2) what redistribution of items is desirable, in order to lay on Local and Municipal bodies those which are best understood and appreciated by the people, (3) what measures legislative or otherwise, are necessary to ensure more Local Self-Government. Incidentally to the scrutiny they will probably notice, and might carefully consider (4) ways of equalising Local and

Municipal Taxation throughout the Empire, checking severe or unsuitable imposts, and favouring forms most in accordance with popular opinion or sentiment."¹ On the 10th October, 1881, Lord Ripon's Government addressed circular letters to the various Provincial Governments on the subject of Local Self-Government, embodying its own suggestions and inviting the Provincial Governments to express their views and to send the information collected as desired in the Financial Resolution of 1881. The result was the issuing of the Resolution on Local Self-Government in 1882, which recommended the extension of Local Self-Government in India.

The Resolution of 1882 marks the effective beginning of Local Self-Government in India. Lord Ripon advocated the development of Local Self-Government "not primarily with a view to improvement in administration" but because it was "desirable as an instrument of political and popular education."² In the beginning, mistakes, no doubt, were expected to be made, but "in course of time, as local knowledge and local interest are brought to bear more freely upon local administration, improved efficiency in fact will follow,"² especially if the officers of the Government set themselves "to foster sedulously the small beginnings of the independent political life ; if they accept loyally and as their own the policy of the Government, and if they come to realise that the system really opens to them a fairer field for the exercise of administrative tact and directive energy than the more autocratic system which it supersedes."² The Resolution referred to "the cry . . . for increased establishments" and complaints "of over-work" from every where and the necessity of utilising "the rapidly growing . . . intelligent class of public-spirited men" in the country and "to develop or create if need be, a capacity for self-help in respect of all matters that have not for imperial reasons, to be retained in the hands of the representatives of the Government."³ The Resolution

¹ Mukherjee : Indian Constitutional Documents, Vol. I, page 639.

² Paragraph 5 of the Resolution. *Ibid*, page 642.

³ Para 6 of the Resolution. *Ibid*, page 642.

effectively answered the objection that the previous attempts had not produced satisfactory results by asserting that the experiment had never been "fully and fairly tried." "There is reason to fear" it proceeded, "that previous attempts at Local Self-Government have been too often over-ridden and practically crushed by direct, though well-meant, official interference."¹ The Resolution, therefore, proceeded to lay down the general lines of advance.

In the first instance a duty was laid on the Provincial Governments to "maintain and extend throughout the country" and not in towns and cities alone—"a net-work of Local Boards, to be charged with definite duties and entrusted with definite funds."² Till then there were no local Boards in rural areas, but the funds devoted to local roads, schools and dispensaries were managed and administered by the district officers with the advice of the local consultative committees. The Resolution abolished the consultative committees and made provision for the extension of local self-government in rural areas. To make the experiment successful "it will be necessary to secure among the members both local interest and local knowledge";² it was, therefore, laid down "that the area of jurisdiction allotted to each Board should in no case be too large."² "The smallest administrative unit—the sub-division, the taluka or the Tahsil"—was suggested as "the maximum area to be placed under a Local Board."² In some provinces these Boards were expected to exercise independent powers. Common matters—such as "the rate of land cess to be levied during the year, allotment to be made out of district funds, and other questions of general interest"²—were to be decided at periodical District Councils to which delegates from each Local Board were to be sent. "In other Provinces . . . it may be thought best to have a District Board with controlling power over the smaller Local Boards." It was this latter system that was tried in most provinces, but even then the subdivisinal boards did

¹ Para 7 of the Resolution. Mukherjee: Indian Constitutional Documents, Vol. I, page 643.

² Para 10 of the Resolution. *Ibid*, page 644.

not prove successful. In Assam alone were the independent subdivisional boards created.

Secondly, the Resolution provided for the maintenance and extension of local self-government in towns and cities. The urban boards were to be independent so far as it was possible ; but in certain cases the District Council may have some controlling powers.

Thirdly, the Resolution laid down that "in no case ought the official members to be more than one-third of the whole."¹ There was thus to be considerable preponderance of non-official members in both the urban and rural boards. The non-official members were to hold office for two years.

Fourthly, the Governor-General in Council recommended "the adoption of the system of election as widely as the local circumstances may permit"² ; and suggested the trial of a variety of plans "to determine the most suitable general system for each province."³ "The simple vote, the cumulative vote, election by wards, election by the whole town or tract, suffrage of more or less extended qualification, election by caste or occupation—these and other methods might all be tried."³ In order to attract respectable men, the courtesy titles of "Rai (or Rao) Bahadur or Khan Bahadur" were to be affixed to the names of Indian members of the Boards during their term of office.

Fifthly, the Resolution expressed a strong desire on the part of the Governor-General in Council "to see non-official persons acting wherever practicable, as Chairmen of the Local Boards".⁴ Of course, the Governor-General in Council was aware "that many authorities hold that the district officer should always be ex-officio Chairman of the Local Boards within the District, and should directly guide and regulate their proceedings. This was indeed the view taken by the Government of India itself in the Circular Letter of the 10th October last

¹ Para 12 of the Resolution. Mukherjee : Indian Constitutional Documents, Vol. 1, page 645.

² Para 13 of the Resolution. *Ibid*, page 645.

³ Para 14 of the Resolution., *Ibid*, Page 646.

⁴ Para 19 of the Resolution., *Ibid*, Page 649.

But even then the Governor-General in Council did not see his way to accepting the principle in the case of Municipal Boards ; and further consideration has led him to the belief, that on the whole, it is better to lay down no such general rule in the case of any Local Boards. There appears to him to be great force in the argument that so long as the Chief Executive Officers are, as a matter of course, Chairmen of the Municipal and District Committees there is little chance of these Committees affording any effective training to their members in the management of local affairs, or of the non-official members taking any real interest in local business. The non-official members must be led to feel that real power is placed in their hands, and that they have real responsibilities to discharge There is this further objection to the District Officer acting as Chairman, that if the non-official members are independent and energetic, risk may arise of unseemly collision between the Chairman and the Board.”¹

Lastly, the Resolution made adequate provision for control over the Local Boards to be “exercised from without rather than from within.”² Two powers of control were reserved to the Executive authorities:—In the first place their sanction was necessary “to give validity to certain acts, such as the raising of loans, the imposition of taxes in other than duly authorised forms, the alienation of municipal property, interference with any matters involving religious questions or affecting the public peace, and the like. In the second place, the Local Government should have power to interfere either to set aside altogether the proceedings of the Board in particular cases, or in the event of gross and continued neglect of any important duty, to suspend the Board temporarily, by the appointment of persons to execute the office of the Board until the neglected duty had been satisfactorily performed.”²

Shortly after the issuing of the Resolution—in 1883-84—Local Self-Government Acts were passed in the various provinces to give effect to the policy contained therein.

¹ Para 18 of the Resolution. Mukherjee : Indian Constitutional Documents, Vol. I, Page 648-49.

² Para 17 of the Resolution. *Ibid*, Page 647 and 648.

CHAPTER X

THE RISE OF THE INDIAN NATIONAL MOVEMENT.

I

The event which made the period, 1861 to 1892, of lasting importance in the history of India was the rise of the Indian National Movement. On December 28th, 29th and 30th, 1885, met for the first time in Bombay some 72 leading Indians from different parts of the country to chalk out a common programme of political action. "Never before had so important and comprehensive an assemblage occurred within historical times on the soil of India."¹

Various explanations have been offered of the origin of the Indian National Movement and the founding of the Indian National Congress. Most of them are one-sided. It appears to me that the chief factors can be grouped under six heads :— (1) inspiration of political ideals of the West ; (2) religious revival and faith in the ancient glory of India ; (3) economic discontent and disappointment at the non-fulfilment of British promises ; (4) the influence of the Indian Press and the Vernacular literature ; (5) the development of the means of communications and the holding of Imperial durbars ; and (6) the increase in feelings of racial bitterness due to the arrogant and insolent attitude of the ruling race, the blundering administration of Lord Lytton and the display of violent temper and organised scurrilous propaganda carried on by Europeans and Anglo-Indians over the ill-starred Illbert Bill.

Another factor, which is given great prominence by Lala Lajpat Rai, and Sir William Wedderburn, but which appears to me of doubtful validity, is the anxiety of the originators of the Indian National Congress to prevent the disruption of the

¹ Quotation from the speech of Mr. W. C. Bonnerji, who presided on the occasion ; See Chitrol : India, Page 89.

Empire. Mr. Hume—who is generally known as the Father of the Indian National Congress—had become convinced that the British were “in immediate danger of a terrible outbreak.” Mr. Hume had seen reports collected by the Government in several large volumes covering almost all the provinces of India which disclosed that the Indian masses were seething with discontent and were getting desperate, ready to do acts of violence. “In the existing state of the lowest half-starving classes, it was considered that the first few crimes would be the signal for hundreds of similar ones, and for a general development of lawlessness, paralysing the authorities and the respectable classes.” It was believed that “a certain number of the educated classes, at the time desperately, perhaps unreasonably, bitter against the Government, would join the movement, assume here and there the lead, give the outbreak a cohesion, and direct it as a national revolt.”¹ Sir William Wedderburn supplements this evidence from his own personal observations in the Bombay Presidency “in connection with the agrarian rising known as the Deccan Riots. These began with sporadic gang robberies and attacks on the money-lenders, until the bands of dacoits, combining together, became too strong for the police ; and the whole military force at Poona, horse, foot and artillery, had to take the field against them. . . . A leader from the more instructed class was found, calling himself Sivaji, the Second, who addressed challenges to the Government, offered a reward of five hundred rupees for the head of H. E. Sir Richard Temple (then Governor of Bombay), and claimed to lead a national revolt upon the lines on which the Maratha power had originally been founded.”¹ And concluded Lala Lajpat Rai :—“So in the words of these two leaders, the immediate motive of the Congress was to save the British Empire of this danger.”²

It is probable that these ideas of saving the British Empire in India and the Congress acting as “a safety-valve for the

¹ Lajpat Rai : *Young India*, Pages 135—138.

² *Ibid*, Page 138.

escape of great and growing forces generated by British connection,"¹ were present in the minds of the two ex-civilian² leaders of the Congress. It is also true that all the originators of the Congress were firm believers in the utility of the British connection. But it is impossible to believe that Indian leaders of the type of Dadhabhai Naroji, W. C. Bonnerji, Pheroz Shah Meta, Tayabji, Ranade, Telang, Surendranath Bannerjea and others were either tools in the hands of Hume and Wedderburn or were dominated by the desire to save the British Empire from danger. Moreover, it is recognised by Lala Lajpat Rai that Mr. Hume was dominated by nobler motives in founding the Congress: "He had a passion for liberty. His heart bled at the sight of so much misery and poverty as prevailed in India. . . . He burned with indignation at the 'cowardly' behaviour of his countrymen towards Indians. . . . He was an ardent student of history and knew full well that no government, whether national or foreign, had conceded to popular demands without pressure from below. . . . He therefore wanted the Indians 'to strike' for their liberty if they wanted it. The first step was to organise. So he advised organisation."³ It is not necessary to add anything further to show that the motive of saving the Empire from danger from a national outbreak was not the chief motive—if it was a motive at all—for founding the Congress, even in the mind of Mr. Hume. It is for this reason that I have not included it in the factors that gave rise to the Indian National Movement.

II

In my opinion, the first place, among the factors that gave rise to the Indian National Movement, must be given to the inspiration derived by Indians from the study of the works of Western writers and their contact with the West.

¹ Lajpat Rai: *Young India*, page 133.

² Mr. Hume was a member of the Covenanted Civil Service from 1849 to 1882 and retired as a member of the Board of Revenue, North Western Provinces. Sir William Wedderburn was a retired member of the Government of India.

³ Lajpat Rai: *Young India*, Pages 141 and 192.

The part played by Western education in the political awakening of India is, indeed, a very important one. Western education brought Indians in touch with the best English thought—with the works of Milton, Burke, Mill, Macaulay, Herbert Spencer and others—and instilled in them the life-giving conceptions of liberty, nationality, and self-government. The results of English education in India were, however, not altogether good. "The new wine of western learning . . . went to the heads of young"¹ Indians and produced disastrous results. They became utterly denationalised and demoralised and began to ape even the worst habits of Europeans. As pointed out by the Rev. P. C. Mazumdar in his introduction to "The Life and Teachings of Keshab Chandra Sen:—"Intemperate drinking and licentiousness of thought, taste and character were fearfully rampant. Infidelity, indifference to religion and point-blank atheism were unblushingly professed."² Liking for beef was openly avowed. The study of Persian, Arabic, and Sanskrit was regarded as "barbarous, unwholesome and unfashionable."² For Indian History and culture the newly anglicised Indian had "unnameable horror." Fortunately, however, these evil results proved to be temporary. On the other hand, the ideas of liberty, nationality and self-government made a lasting impression on the minds of the people and created a healthy discontent with things as they were. The existing disabilities acted as fuel to the fire. Such a result was foreseen by several foresighted Englishmen. Sir Alfred Lyall had written as early as 1859:—"Having . . . taught them the advantage of liberty and the use of European sciences, how are we to keep them under us and persuade them that it is for their good that we hold all the high offices of Government."³ Even Sir Valentine Chirol admonishes those Englishmen who contend to-day "that the introduction of Western education was a crucial blunder" by

¹ Lord Ronaldshay: *The Heart of Aryavarta*, page 45.

² *Ibid*, Pages 46 and 47.

³ Quoted by Sir Verney Lovett: *A History of Indian National Movement*, Page 21.

calling them "men of little faith" and by pointing out that "not by such was British rule built up in India."¹ And, of course, Lord Macaulay—who more than any one else was responsible for the spread of Western learning in India—had looked forward to that "proudest day in English History" when "having become instructed in European knowledge, they . . . demand European institutions."²

Besides inculcating the love of liberty, nationality and independence, Western learning conferred on Indians another very important benefit. It gave them—what they had never had before—the valuable gift of a common language—*Lingua Franca*—which made it possible for them to come together, to commune with one another, and to plan a common programme of action. English became the common language of new India. It was in it that the proceedings of the first Indian National Congress were conducted and in spite of the development of Indian sentiment on more truly nationalistic lines in recent times, it is still used in the deliberations of the Indian National Congress.

Western education was thus of very great service to India, though it was not without its defects. The results of English education were emphasised by actual personal contact with the West. Young men went to England to complete their education; and there were others who travelled abroad for other purposes. Foreign travel broadened the mental horizon of Indians and made their outlook more Western. Stay in England gave them intimate knowledge of the working of free political institutions and taught them the value of freedom and independence. It infused in them a spirit of self-confidence and self-assertiveness. It cleared their mind of various superstitions and dispelled the cringing, slavish mentality. The treatment they received in England forced their attention to their true position in India. As pointed out by Sir Valentine Chirol:—"When in England they were often

¹ Chirol : India, Page 75.

² Speech of Lord Macaulay of July 10th, 1833, See Keith : Speeches & Documents on Indian Policy, Vol. I, Page 265.

welcomed with great cordiality and on a footing of complete social equality . . . and felt all the more keenly the frigidity and aloofness of the British official world when they returned to India.”¹ The England-returned Indian found it difficult to feel at home and happy in the slavish atmosphere prevalent in the country and became disgusted and discontented—and his discontent proved infectious.

III

Another factor which helped to make Indians discontented with the then existing conditions was the work of European scholars in ancient Indian literature and their praises of old Indian culture and civilization. Renowned European scholars like Max Muller, Monier Williams, Roth, Sassoon, Burnouf and others “revealed to India herself scarcely less than to the Western world the majesty and wealth of the Sanskrit language . . . and the historical as well as literary value of the great body of Hindu literature which is the key to India’s civilization.”²

In this connection the work of the various religious reformers was of still greater importance. They made them realise perhaps more than any thing else the vast gulf that separated the India of 1861—1892 from the India of old, when *Vedas* and *Upanishads* were revealed and when the great religious and philosophic works were created. The first religious movement of the 19th century was started by Raja Ram Mohan Roy—the first great modern Indian—and came to be known as Brahmo Samaj. His work was continued by Debendranath Tagore and Keshab Chandra Sen, by the former on lines of pure Hinduism and by the latter on more Christian lines. In Bombay the Prarthana Samaj was founded to carry on the same work, with men like Justice Ranade, Sir R. G. Bhandarkar and Sir Narayan Chandavarkar, as active members. More important than the work of the Brahmo Samaj was that of the Arya Samaj in creating the spirit of independence and

¹ Chirol : India, Page 86.

² *Ibid*, Page 80.

love of India and things Indian. Arya Samaj was founded in 1875 in Bombay and 1877 at Lahore in the Punjab by Swami Dayananda Saraswati¹ on ancient Vedic principles. "Back to the Vedas"—was the cry he raised and spread especially in Northern and Western India. Colonel Olcott described him, at his death in 1883, as the noblest of patriots, as the greatest of orators, in whom "there was a total absence of any degrading sycophancy and toadyism towards foreigners" and who exercised great "nationalising influence . . . upon his followers."² As pointed out by Mrs. Annie Besant "It was Dayananda Saraswati who first proclaimed: 'India for the Indians'.² The founders of the Theosophical Society, Madam Blavatsky and Colonel Olcott also rendered valuable services to the Indian national cause by revealing to Indians their past greatness and by exhorting them to stand by their old religion, culture and civilization. Their work is being continued by Mrs. Annie Besant, who is a sturdy champion of the Indian cause. Another person who exercised great influence in bringing Indians back to Hinduism and in making them feel proud of their ancient heritage was Sri Ram Krishna Param-Hansa,³ the Guru of Swami Vivekananda. He had a remarkable power of attracting educated men like Keshab Chandra Sen, Iswar Chandra Vidyasagar, Bankim Chatterjee, P. C. Mazumdar, etc., and impressing on their mind the greatness of the ancient ideal and in infusing in them the true spirit of religion. It is through these men and above all through his chief disciple, Swami Vivekananda⁴ that he impressed upon the minds of the Indian people the true message of Hinduism.

¹ Swami Dayananda was born in 1824 in Kathiawar and died in 1883. At the age of 14, he left his home and wandered all over India in search of truth. In 1848 he became a *Sanyasi* and held religious disputations with pandits in different parts of India. He found his Guru at Mathura, who sent him into the world to restore faith in the religion of the Vedas.

² Mazumdar: Indian National Evolution, Page 23.

³ For an appreciative sketch of the life and teachings of the great Saint see Chapter XIX. Ronaldshay: The Heart of Aryavarta, pages 203—213. He was born in 1834 and died in his 52nd year in 1886.

⁴ Swami Vivekananda was born in 1862 and graduated from the Scottish Church College, Calcutta. He became the most devoted disciple of Swami Ramkrishna and after the death of his master retired into the Himalayas for six years. Then he returned to deliver his soul-stirring message all over the country and revived faith in the greatness of Hinduism

Swami Vivekananda revived faith in India's spiritual greatness and gave a new hope to the people of India. He declared, after his return from the Chicago Congress of Religions, where he had made a tremendous impression and several converts:—"Once more the world must be conquered by India Let them come and flood the land with their armies, never mind. Up India and conquer the world with your spirituality! Aye, as has been declared on this soil, first love must conquer hatred, hatred cannot conquer itself. Materialism and all its miseries can never be conquered by materialism. Armies when they attempt to conquer armies only multiply and make brutes of humanity. Spirituality must conquer the world."¹ "We must go out, we must conquer the world through our spirituality and philosophy. There is no other alternative, we must do it or die—The only condition of national life, once more vigorous life, is the conquest by Indian thought."² This is how Vivekananda gave a new confidence to the people of India. "Like Swami Dayananda," writes Herr Kohn, "Vivekananda taught Young India self-confidence and trust in her own strength."³ The last quarter of the 19th century saw the rekindling of interest in religion in the peoples of all communities. There was a revival of Sanatana Dharma among the Orthodox Hindus which led to the foundation of the Bharat Mahamandal in 1902. The *Singh Sabha* Movement was started in the Punjab in the eighties to restore the Sikh

and of India. Writes Sir Valentine Chirol: "Vivekananda was the first to introduce into the Hindu revival a missionary spirit hitherto foreign to Hindu traditions. His opportunity came with the holding of the "Parliament of Religions" in 1893 at Chicago, where his handsome presence in Oriental robes, orange and gold, his complete mastery of the English language and his impressive voice and delivery lent to his fervent, if unhistoric, vindication of Hinduism an emotional intensity which swept his unaccustomed audience off its feet, and made Americans hail him with astonished admiration as the inspired prophet of a wonderful creed and of an ancient civilization which had nothing to learn from Western missionaries or Western rulers." India, Pages 96 and 97.

He created a considerable impression in England as well and brought back with him an English disciple, who is well-known as Sister Nivedita. Swami Vivekananda died in 1902.

¹ From Colombo to Almorah. Seventeen Lectures by Swami Vivekananda, page 193.

² *Ibid.*, Page 195.

³ Hans Kohn: A History of Nationalism in the East, page 72.

faith to its pristine purity and to reform religious and social practices. A similar movement re-awakened interest in Jain religion. "In 1885, the Anjuman-Himayat-i-Islam was founded in Lahore with the object of arousing new interest in the Mohammedan religion, combating Christian missions, and establishing vernacular schools of a religious character."¹

These reform movements though primarily religious were at the same time national. They made the people aware of their great heritage and aroused in them patriotic impulse. Religion inspired nationality.

IV.

The third factor in the rise of the Indian National Movement was economic.² India was becoming impoverished by the destruction of her industries which could not stand the competition of foreign, machine-made goods. The Government, instead of protecting and rendering aid, was helping their extinction by adopting, not only a policy of mere *laissez-faire*, but of deliberate Free Trade in the interests of England. The controversy over the cotton duties described in the last chapter had alienated the sympathies of the commercial and industrial classes. The pressure on land was increasing daily owing to the destruction of handicrafts and agriculture was suffering from various defects. The artificial exchange policy and its manipulation to serve British commercial interests were accentuating the evils. The system of administration was hopelessly expensive. There was a heavy economic drain from the country owing to foreign rule. The poverty of the people was both chronic and grinding and led to famines in years of monsoon failure.

The position of the educated classes was gradually becoming economically unsound. The Universities were turning out an increasing number of educated young men every year. They were unfit for industrial and commercial careers—

¹ Hans Kahn : A History of Nationalism in the East, page 73.

² "The interest of the educated classes in nationalism has always been partly economic and partly religious."

Garratt : An Indian Commentary, page 119.

nor were they really open to them. They had qualified with a view to enter government service ; because all education was then directed towards that end. But the higher ranks of all services were closed to them and in the lower ranks the salaries were miserably low and the number of posts was naturally limited. Many of the young men were therefore without employment. High hopes had been raised by promises of racial equality—made in the Queen's Charter and other documents—but Lord Lytton plainly stated that they could never be fulfilled.¹ There was bitter disappointment at the non-fulfilment of promises and the exclusion of Indians from higher posts. It is significant to note that the first organised agitation in India was in connection with the Indian Civil Service question in 1877-78. Surendranath Bannerjee, who took a leading part in the agitation, described it as follows :—“The reduction of the maximum limit of age for the open competitive examination for the Indian Civil Service, from twenty-one to nineteen years, by the orders of the Marquis of Salisbury, the Secretary of State for India, created a painful impression throughout India. It was regarded as a deliberate attempt to blast the prospects of Indian candidates for the Indian Civil Service. The Indian Association resolved on organising a national movement. A great public meeting was held at the Town Hall (Calcutta) on March 24, 1877”²

“This meeting was one of the biggest public demonstrations held in Calcutta ; it was destined to be the fore-runner of similar and even more crowded meetings held all over India.”² Surendranath Bannerjee toured all over the country for the purpose. Crowded meetings were held from one end of the country to the other—at Lahore, Amritsar, Meerut, Allahabad, Delhi, Cawnpore, Lucknow, Aligarh, Benares, Bombay, Surat, Ahmedabad, Poona and Madras. A memorial on the Civil Service question was adopted. It was addressed to the House of Commons and Mr. Lal Mohan Ghose was deputed to take it personally to England.

¹ See page 133 *supra*.

² Surendranath Bannerjee : A Nation in the Making, page 44.

The significance of this movement is depicted by Sir Surendranath in the following words :—

“The agitation was the means ; the raising of the maximum limit of age for the open competitive examination and the holding of simultaneous examinations were among the ends ; but the underlying conception, and the true aim and purpose, of the Civil Service agitation was the awakening of a spirit of unity and solidarity among the people of India.”¹

“For the first time under British rule, India, with its varied races and religions, had been brought upon the same platform for a common and united effort. Thus it was demonstrated, by an object lesson of impressive significance, that whatever might be our differences in respect of race and language, or social and religious institutions the people of India could combine and unite for the attainment of their common political ends.”²

V.

Another factor which is of great importance in the creation and development of national consciousness among the people is the Indian owned and edited press, both English and vernacular. Besides the papers run by Indians there are powerful organs³ conducted by the Anglo-Indian community. The Anglo-Indian Press is anti-nationalist and opposes, often vehemently, all steps towards racial equality—social, economic, and political equality between men of the ruling race and the children of the soil. The Indian Press, on the other hand, is on the whole nationalistic and critical of the measures of the Government and advocates full racial equality and the claims of Indians to manage, control and run the government of the country. It is true that there are a number of communal and even pro-government Indian papers ; but even they promote often unconsciously the cause of Indian advancement.

¹ Sir Surendranath Bannerjee : A Nation in the Making, Page 44.

² *Ibid*, Page 51.

³ Among the important Anglo-Indian papers may be mentioned the following :—*The Englishman, the Statesman, the Pioneer, the Times of India, the Madras Mail and the Civil and Military Gazette.*

The majority of the Indian papers, especially in English, are definitely nationalistic and critics of the bureaucracy ; and the complaint of the Anglo-Indians—both officials and non-officials—is that they are often seditious. Both the English and the vernacular Indian Press has suffered greatly under the various Press Laws and Ordinances. A part of the history of the Press Laws has already been described and the later portions will be given in their proper places. It is enough to state here that the Indian Press has awakened the educated classes and has infused in them patriotic sentiment and consciousness of nationality. In the earlier stages there was no national platform and its place was supplied by the Press. Papers like *the Indian Mirror*, *the Hindu Patriot*, *the Amrita Bazar Patrika*, *the Bengalee*, *the Bombay Samachar*, *Soma Prakash*, *Salobha Samachar*, *Sakṣya Prakash*, *Marhatti Sabodhka Patrika*, *Gujrati Daftardum* and a little later, *the Hindu* and *the Kesari* played a very important part in awakening the people of Bengal, Bombay and Madras presidencies.¹ The work of the Press was specially great in Bengal in the early stages and the rigours of Lord Lytton's Act were also felt more intensely in that province. Since the foundation of the Indian National Congress many papers have come into existence in the various provinces, both in English and in the vernaculars and they have been carrying on a ceaseless propaganda in the cause of Indian Nationalism and political reform. In this connection mention may also be made of the part played by the development of popular literature in the important vernaculars of the country, especially in Bengali. The names of Dina Bandhu Mitra, Hem

¹ Besides the papers mentioned above, the following others may be mentioned :—*The Bandemataram*, *Forward*, *Liberty*, *Advance*, *the Searchlight*, *the Leader*, *The Independent*, *The Hindustan Times*, *The Punjabee*, *The Tribune*, *The Bombay Chronicle*, *Indian National Herald*, *The Indian Daily News*, *The Swarajya*, *The New India* (English Dailies); *Young India*, *The People*, *The Commonweal*, *New India*, *Servant of India*, *The Indian Social Reformer* (English Weeklies); *The Modern Review*, *The Indian Review*, *The Hindustan Review*, *The Triveni*, (English Monthlies); *Sandhya*, *Yugantar*, *Basumati*, *Hindustan*, *The Aj*, *Pratap*, *Tej*, *Bandematram*, *Milap*, *Akhbar-i-Am*, *Akali*, *Desh Bhaktan*, and *Nyayadipika* (vernacular dailies); *Bang Basi*, *Navajivan*, *Hitabadi*, (Vernacular Weeklies). There are a large number of other vernacular weeklies, monthlies, etc. For a fuller and up-to-date list of papers in India, see *The Indian Year Book*, 1932.

Chandra Banerjee, Navin Chandra Sen, Bankim Chandra Chatterjee, D. L. Roy, Tagore, Sarla Devi Chaudhurani, A. F. Sen, and Rajni Kantha Sen are familiar to the students of Bengali literature of the 19th century. Their works infused a new spirit in the young men of Bengal. The part played by one of Bankim Chandra's books *Ananda Math*, in the history of Indian Nationalism is, indeed, great. It has been called by some as "The Bible of Modern Bengali patriotism" and it was in this book that, what has now become the Indian national Anthem,—the Song *Bande Matram*—first appeared.

VI.

Another factor in the quick growth of the national movement was modern transport. The civil service tour of Surendranath Banerjee in 1877-78 was made possible by the building of railways and it became feasible for the people of different parts to meet and discuss matters. Lines of communications knit up the vast country and turned geographical unity into a tangible reality. It became possible to carry on propaganda on a national scale and to arouse a sense of oneness and nationality among the people separated by vast distances.

The feasibility of holding all-India conferences and of organising national institutions was suggested by the costly Imperial Assemblage at Delhi, which was held in 1877 to proclaim the new title of the Queen and which was attended by princes and nobles from all over the country. It occurred to Mr. (later Sir) Surendra Nath Bannerjee, who attended the Assemblage as representative of the "Hindu Patriot" and to other prominent workers in the national cause—like Sir Jamsetjee Jeejeebhoy, Mr. Vishwanath Mandlik, Sir Mangaldas Nathoo and Mr. Naoroji Furdoonji—who also witnessed the celebrations at Delhi, "that if the princes and the nobles in the land could be forced to form a pageant for the glorification of an autocratic Viceroy, why could not the people be gathered together to unite themselves to restrain by constitutional means and methods, the spirit of autocratic

rule?'¹ This idea took root in the minds of national workers and ultimately led to the foundation of the Indian National Congress. The holding of the Durbar of 1877 was greatly resented by the people, because India was then in the grip of a very severe famine; but because "the idea of a United India was presented by a spectacular demonstration" it was characterised by Mr. Ambika Charan Mazumdar, "in spite of its extravagance" as "truly a blessing in disguise."¹

VII.

The last factor, which played an important part in uniting Indians together and in making them organise throughout the land, was the widening of the gulf between Indians and the Englishmen in the country and an unfortunate increase in feelings of racial bitterness between the rulers and the ruled.

The Mutiny of 1857 is a great turning point in the history of British India. As pointed out by Mr. G. T. Garratt, a retired Indian Civilian and the author of "An Indian Commentary", its importance "is often absurdly underestimated. Most standard English histories treat it as a military rising which affected a small proportion of the civil population."² They dwell upon acts of English bravery and lay particular emphasis on the excesses and a few acts of great brutality committed by Indian Sepoys and others. And they end—as Sir George Forrest does—"Justice was done, mercy shown to all who were not guilty of deliberate murder, the land cleansed of blood."³

Such a view of the mutiny "is not accepted by any intelligent Indian"⁴ who regards it—"in retrospect"⁴—as a national war of independence⁵ which was suppressed by the British with ruthless barbarity.⁶ It is not necessary here

¹ A. C. Mazumdar : Indian National Evolution, page 33.

² Garratt : An Indian Commentary, page 111.

³ Forrest : History of the Indian Mutiny, Vol. III, page 623, quoted *Ibid*, Page 111.

⁴ *Ibid*, Page 112.

⁵ See page 94, Chitrol : India, and Page 112, Garrat : An Indian Commentary.

⁶ See pages 101 & 102 *supra*.

to enter into an historical justification of one view or the other. But, what is necessary to point out, are the effects of the mutiny, on the future British policy in India and their repercussions on both the Indian and the English mind in this country.

The whole of the British policy in India has been coloured by the distrust of the Indian, which untold acts of Indian loyalty have been powerless to remove. The exclusion of Indians, even the most loyal of them, from all places of real power or involving important state secrets, as in the case of army, police, foreign and political department; the disarming of the whole population and the working of the Arms Act in a most niggardly fashion; the over-awing of the masses by strong military action; are all results of the policy of distrust engendered by the Mutiny. These have produced disastrous results on the Indian character. They have bred in him what the psychologists call "inferiority complex"¹ or what has been described by Mahatma Gandhi as "slave mentality." There were, of course, others among Indians in whom this attitude bred a spirit of defiance and hatred. In any case, it has made it well-nigh impossible for genuine feelings of respect, friendliness and good-will to exist between Indians and Englishmen in general.

Before the Mutiny very intimate and cordial relations had existed between Englishmen and Indians. There was then no colour or racial prejudice. The Englishmen were few in number and lived in close contact with the Indians. "Even mixed marriages from which several well-known families have sprung, and other unions more irregular and temporary, were

¹ "The Mutiny confirmed the idea of European bravery, but showed that in times of stress we were no better than our predecessors. Nadir Shah sacked Delhi, and so did the English. The Moghals enforced their will by burning villages, and killing indiscriminately the innocent and the guilty. The British carried on the traditions. Henceforward the English became the secret enemy, the more hateful because they were invincible. The English *Raj* seemed established for ever just when India saw its worst side. The Mutiny marked the beginning of that inferiority complex which attacks all those who hate what they cannot bear." Page 114, Garraat: *An Indian Commentary*."

much less infrequent."¹ But all this changed with the Mutiny. Young Englishmen who came out to India had "learnt to look upon Indians as the creatures, half-gorilla, half-negro, who appeared in the contemporary *Punch* cartoons. They were usually depicted standing over a murdered woman but cowering before an avenging Britannia who is praying to the God of Battles to "steel our soldiers' hearts."¹ They had "chuckled to hear how General Neill had forced high Brahmins to sweep up the blood of the Europeans murdered at Cawnpore, and then strung them in a row, without giving them the time requisite for the rites of purification."² When they reached India they mixed with their own countrymen who related to them similar, if possible, more brutal stories.

It was impossible for such men to live amidst Indians and have free intercourse with them. Gradually they built up little Anglo-Indian islands dotted all over India, where they lived a life of their own cut off from all contact with the "natives." They evolved their own peculiar code of ethics. It had three important principles: "The first was that the life of one European was worth those of many Indians. The second was that 'the only thing that the oriental understood was fear.' The third was that England had been forced to lose many lives and spend millions to hold India, and 'did she not merit some more substantial recompense than the privilege of governing India in a spirit of wisdom and unselfishness?'"³

Such ideas could not but lead to the widening of the gulf between Indians and Englishmen. It was a gulf which could only be bridged by Englishmen, as pointed out by Mr. Garratt. But they had imbibed another spirit which resulted in further estrangement and bitterness. The doctrine that European life was sacrosanct and that Indian lives were of no account has produced disastrous results. The incident at Ludhiana in 1872, in connection with a riot in Maler-Kotla on the question

¹ Garratt: *An Indian Commentary*, Page 115.

² Quoted from Trevelyan's "The Competition Wallah", *Ibid*, Page 115.

³ *Ibid*, page 116.

of cow killing, when 49 Sikhs were blown away from guns without any trial by the Deputy Commissioner, Mr. Cowan—and the rest executed the next day after a summary trial by the Commissioner, Mr. Forsyth, was a great eye-opener to the Indians.¹ But more important than even this wholesale butchery was “the long succession of murders and brutalities perpetuated by English men upon Indians which either went unpunished or for which, at the demand of the whole European community only a small penalty was exacted. This scandal, of which there were many flagrant instances in the ‘sixtees’, has continued till recent times.”² Commenting on the working of trial by jury in India, Sir Theodore Morrison writes: “It is an ugly fact which it is no use to disguise that the murder of natives by Englishmen is no infrequent occurrence. In one issue of the *Amrita Bazar Patrika* of this month (August 11th, 1898) three contemporary cases are dealt with, in none of which have the prisoners paid the full legal penalty for murder.”³ He gives the reason for the miscarriage of justice in such cases: “. juries in European cases are empaneled from towns; this is the very class in which the arrogance of a conquering race is most offensively strong, and their moral sense does not endorse the legal theory that an Englishman should atone with his life for killing a ‘nigger’ ”.⁴ And he gives an illustration. Three artillery men were found guilty of killing a respectable practitioner of Barrackpur, Dr. Suresh Chandra, in a brutal fashion, but they were sentenced only to seven years’ rigorous imprisonment, on which a military officer commented “that in any other part of the world but India, the three artillery men would have been hanged”; and the London “Morning Post” retorted, that without knowing his name “we must decline to believe that

¹ Writes Sir Henry Cotton in his “Indian and Home Memories”:—“for my part I can recall nothing during my service in India more revolting and shocking than these executions, and there were many who thought, as I did and still think, that the final orders of the Government of India were lamentably inadequate.”

² Garrett: *An Indian Commentary*, pages 116 and 117.

³ Morrison: *Imperial Rule in India*, page 27.

⁴ *Ibid*, pages 27 and 28.

there is any Britisher in this country, so *degenerated as to subscribe to such sentiments.*"¹

It is not necessary to add other instances or to make any comments ; but there are two more aspects of this question that deserve attention. Writes Sir Henry Cotton : "It is a grave symptom that the official body in India has now succumbed as completely as the non-official to anti-native prejudices The time has passed away when non-official Englishmen formed one party in India and the Indians another, while the Government officials were charged with the function of protecting native interests ; and instead thereof we now see a state of things in which the Indian Community exists alone on one side, while both classes of Englishmen, official as well as non-official, are united on the other. It is a grave position to which we have drifted, for the change is complete and the tension acute."² The second feature which is also very disquieting is the violent agitation carried on in the Anglo-Indian Press whenever there are cases of racial conflict. "The character of such agitation affords one of the most painful manifestations of the bitterness of racial feelings", writes Sir Henry Cotton. "If a tea planter is charged with an outrageous assault upon a helpless coolie, he is tried by a jury of tea-planters, whose natural bias is in his favour ; but, if in any circumstances, such as the interference of the High Court, or otherwise, a conviction should ensue, the whole volume of English opinion finds expression in denouncing the verdict, the Anglo-Indian newspapers add fuel to the flame and give free vent to this protest in their columns, public subscriptions are raised to pay the expenses of the culprit, and influentially signed memorials are addressed to the Government praying for his release."³ The natural result of such an action is the accentuation of racial bitterness in the minds of Indians. As pointed out by Mr. Garratt, this increase in racial bitterness is a direct, contributory cause of the growth of Indian nationalism.

¹ Morrison : *Imperial Rule in India*, page 28.

² Sir Henry Cotton : *New India*, page 51.

³ *Ibid*, page 48.

VIII.

The effects of the Mutiny were thus disastrous on both the English and the Indian mind in India. The gulf created between the two has continued to grow wider. Many events have taken place which have fed the spirit of racial antagonism. The régime of Lord Lytton was particularly full with such incidents. The Imperial Durbar was held by him at a time when millions of Indians were suffering terrible hardships in a death-struggle with a gigantic famine. This made a Calcutta Journalist exclaim: "Nero was fiddling while Rome was burning." The analogy, though far-fetched, expressed pithily the feelings of young India for Disraeli's favourite Viceroy, who was specially chosen by him to further his imperialistic aims. Lord Lytton's blundering administration played an important part in spreading unrest and discontent among the awakened people in India, and in making them realise the necessity of organised action. "The wanton invasion of Cabul followed by the Second Afghan War; the large increase of the army under the hallucination of the Russian Bugbear, the costly establishment of a 'scientific frontier'; the complete disarming of an inoffensive and helpless population, although the Eurasians were untouched; the gagging of the Vernacular Press the sacrifice of the import cotton duties as a conservative sop to Lancashire; and the unmerited and undignified rebuff administered by the Viceroy personally to a leading association in the country,"¹ were measures which were thoroughly unpopular in India and aroused a storm of opposition in the country, and led to the organisation of various Indian associations to carry on agitation and propaganda among the people.

However, matters had not yet become thoroughly ripe for ushering in an all-India organisation into existence: The folly of Anglo-Indian agitation and the exhibition of petty-minded selfishness, racial bitterness, and pride and vanity

¹ A. C. Mazumdar: Indian National Evolution, pages 28 and 29

of a ruling race over the "Ilbert Bill" were needed to bring about the foundation of the Indian National Congress. Indian failure to secure the abolition of racial discriminations was ascribed "to the want of adequate, vigorous and united support throughout the country to counterbalance the spirited and well-organised opposition of the Anglo-Indian community, and it was further felt that if political advancement were to be achieved it could only be by the organisation of a national assembly wholly devoted to wider politics than hitherto pursued in the different provinces independently of each other."¹

IX

Indian associations had existed in the three Presidencies for sometime past but they were "devoted mainly to occasional criticisms of important administrative or legislative measures affecting their respective provinces"² and had displayed little general life. Except the British Indian Association,³ Calcutta, and later the Indian Association,³ Calcutta, none of the others had continuous existence. They lived for a short time, then died, and were revived again only to die once more. The Indian failure in connection with the Ilbert Bill controversy roused the people of the various provinces and made them put their own house in order. In Calcutta, the Indian Association called a "National Conference" in 1883, which was attended by a large number of educated men from all over Bengal, and which was characterised by scenes of immense enthusiasm and earnestness.⁴ It was at this conference "that Surendra Nath Bannerjee referring to the Delhi Assemblage

¹ A. C. Mazumdar : Indian National Evolution, page 39.

² *Ibid*, page 7.

³ The British Indian Association was founded in 1851. The Indian Association was started in 1876 "to create a centre of work for the educated community, as the British Indian Association was composed of men belonging to landed aristocracy."

⁴ Mr. Wilfrid Blunt was then touring through India, and attended the sittings of the Conference. He gives his impression in his *India under Ripon* : "Then at twelve, I went to the first meeting of the National Conference a really important occasion, as there were delegates from most of the great towns and as Bose in his opening speech remarked, it was the first stage towards a National Parliament." See pages 86 and 87, Bannerjee : *A Nation in the Making*.

exhorted the audience, to unite and organise themselves for the country's cause."¹ Next year, he toured in Northern India to preach "the importance of national unity and the necessity of establishing a national fund for the systematic carrying out of a political propaganda."² It may be mentioned here in parenthesis that Mr. Surendra Nath Bannerjee had toured twice before on behalf of the Indian Association for purposes of propaganda. His first tour was—"all through Northern India from Benares to Rawalpindi"—in 1877 in connection with the Indian Civil Service Question. For the same purpose he undertook in 1878 a tour through Western and Southern India. And as a result of this campaign an All-India memorial was presented to the House of Commons on the Civil Service question.³

The lead of Calcutta was followed by Madras, Bombay and Poona. The same group of public-spirited gentlemen who had started the *Hindu* in 1878 organised the Madras Mahajana Sabha early in 1884 and held a provincial Conference the same year and sent a deputation to bid farewell to their popular and sympathetic Viceroy, who had done all he could to champion the Indian cause, even at personal risk. It is stated by Mr. Buckland that "a conspiracy had been formed by a number of men in Calcutta who had bound themselves in the event of Government adhering to their projected legislation (the Illbert Bill) to over-power the sentries at Chandpal-ghat and send him to England *via* the Cape."⁴ In Bombay a public meeting was held on 31st January, 1885, on the invitation of Tyabjee, Pherozeshah Mehta and K. T. Telang, which ushered into existence the Bombay Presidency Association. In Poona the Sarvajanic Sabha, founded in 1870, did very useful work under the able guidance of Mr. Ranade and Mr. Joshi. It issued a quarterly journal containing informative and able articles on political, economic, social topics, written mostly by

¹ Mazumdar : Indian National Evolution page 41.

² *Ibid*, pages 41 and 42.

³ See page 179 *supra*.

⁴ Quoted by Mazumdar : in his Indian National Evolution, page 37.

Mr. Ranade. As stated by James Kellock, "the Sabha played a very important part in the awakening of Western India, and in creating a public opinion upon political, social and economic matters."¹

X

Whilst these provincial associations were being organised, the rejuvenated Press all over India was urging incessantly the necessity of the union of the people under one common standard. Mr. Allan Octavian Hume—"the worthy son of the founder of the Radical Party in England" the "Father of the Indian National Congress" and a distinguished British official in India, who had resigned service in 1882 and settled down at Simla—addressed an open letter to the graduates of the Calcutta University on March 1st, 1883, and appealed to them to volunteer themselves for national service. He propounded the doctrine that "every nation secures precisely as good a government as it merits"² and told them plainly that the Englishmen must continue to be their rulers and task-masters, "let the yoke gall your shoulders never so sorely, until you realise and stand prepared to act upon the eternal truth that self-sacrifice and unselfishness are the only unfailing guides to freedom and happiness."³ These words made a great impression on educated Indians every where and next year (1884) late in December "17 goodmen and true", representing all parts of India—most of whom had gathered to attend the annual convention of the Theosophical Society at Adyar—met at the house of Dewan Bahadur Raghunath Rao in Madras and resolved "to form themselves into a group of provisional committees, men from different towns to win others, each in his place, and to meet later for further consultation."⁴ About the same time an Indian National Union was formed which decided in March 1885 "to hold a meeting of representatives

¹ Kellock : Mahadeva Govind Ranade, page 25.

² *Ibid*, page 47.

³ Quoted by Mazumdar in his Indian National Evolution, page 47.

⁴ Mrs. Besant : "How India Wrought for Freedom", page 1.

from all parts of India at the then coming Christmas at Poona which was considered "most central and therefore suitable place."¹ The manifesto which announced this decision defined the objects of the proposed Conference as follows:—

- "(1) to enable all the most earnest labourers in the cause of national progress to become personally known to each other,
- (2) to discuss and decide upon the political operations to be undertaken during the ensuing year."

"Incidentally this conference will form the germ of a Native Parliament and, if properly conducted, will constitute in a few years an unanswerable reply to the assertion that India is still wholly unfit for any form of representative institutions"²

Mr. Hume was put in charge of the movement and was requested to make all preliminary arrangements. Mr. Hume consulted the Viceroy, Lord Dufferin, in the matter. As a matter of fact it is stated on high authority, that of the first President of the Indian National Congress, that it was on Lord Dufferin's suggestion that Mr. Hume gave the organisation a political orientation; otherwise his own idea was to make it a social meeting ground. The Viceroy is supposed to have told Mr. Hume:—"That there was no body of persons in this country who performed the functions which Her Majesty's opposition did in England it would be very desirable in the interests of the rulers as well as of the ruled that Indian Politicians should meet yearly and point out to Government in what respects the administration was defective and how it could be improved."³ Mr. Hume adopted Lord Dufferin's plan and began to work for the success of the proposed Conference, which was to be held on the 28th to 30th December, 1885, and which came to be known by the

¹ Quoted from "The proceedings of the First Indian National Congress" Mrs. Besant: "How India wrought for freedom," page 3.

² Mazumdar: Indian National Evolution, page 48.

³ Quoted from "Indian Politics" of Madras, 1890, from the article of Mr. W. C. Bonnerjee. *Ibid*, page 51.

name of the Indian National Congress. He went to England to consult friends and to guard "the British public against all possible misrepresentation, suspicion and distrust to which the new organisation was naturally exposed."¹ He saw nearly 150 members of the House of Commons in this connection, besides other public men, and arranged with a section of the liberal press for the publication of messages and reports from India. Mr. Hume then returned to India well in time to attend the Congress as one of the Bengal representatives. Owing to the unfortunate outbreak of cholera at Poona, the venue of the Congress was shifted to Bombay, where 72 representatives of the various parts of India met for the first time to discuss political matters of national importance.² Since that day the Congress has met every year in some important town in India from one end of the country to the other.

Thus was born the great national organisation called the Indian National Congress, which, in spite of many vicissitudes and several splits and secessions, has continued till this day to voice the national sentiments and to speak in the name and on behalf of the Indian Nation, and which is rightly regarded as the one National institution, representing the vast majority of the Indian population.³

XI

The Indian National Congress, as it met in Bombay in 1885 and in subsequent years—right up to the Surat split in

¹ Mazumdar : Indian National Evolution, page 50.

² At about the same time a National Conference had met in Calcutta, at which "not only was Bengal represented, but delegates attended from several towns in Northern India such as Meerut, Benares and Allahabad. Bombay was represented by the Hon. Mr. V. Mandlik, the Indian member for that Presidency in the Imperial Legislative Council." Surendranath Bannerjee and Mr. Ameer Ali were the chief organisers. It was too late to suspend the Conference when they learnt of the Congress meeting at Bombay. But from the next year, writes Sir Surendranath, "those who worked with us joined the Congress and heartily co-operated with it." Bannerjee : A Nation in Making, pages 98 and 99.

³ The *Leader*, Allahabad, the organ of the Liberal Party in the United Provinces, edited by Mr. C. Y. Chintamani, and representing the Secessionists from the Congress after 1917, described the Congress as "the largest and the most influential organisation in the Country". October 5, 1930.

1907—contained almost all the noted Indians of the day.¹ It also included a number of able and liberal-minded Anglo-Indians like Mr. Hume, Sir William Wedderburn, Sir Henry Cotton, Mr. George Yule, Mr. Norton, etc. It represented the various communities and provinces of India. It is true that the Congress then represented numerically the "microscopic minority"² of the people in India. It is true that the great Muslim leader of the day, Sir Saiyed Ahmed, the founder of the Aligarh Muslim College which has since developed into the Aligarh Muslim University, held himself aloof³ from the Congress and went so far as to start a counter organisation⁴ of ultra-loyalists with the help of Raja Shiv Prasad of Benares. It is true that the number⁵ of Muslim delegates who attended the Congress was small in the beginning and that several of

¹ It is not possible to give a complete list of the noted Indians who took part in Congress work in its early days. Only a few are mentioned for purposes of illustration: Mr. Dadabhai Naoroji, Sir Pherozeshah Mehta, Sir Dinshaw Wacha, Mr. Badruddin Tyabji, Mr. Telang, Mr. Ranade, Mr. Tilak, Mr. Gokhale, Sir Surendranath Bannerji, Mr. A. M. Bose, Mr. Motilal Ghose, Dr. Rash Behari Ghose, Mr. W. C. Bonnerji, Mr. B. C. Pal, Mr. Arabindo Ghose, Mr. Ayodhianath, Pt. Madan Mohan Malaviya, Lala Lajpat Rai, Sir Subarmania Iyer, Sir Sankaran Nair, Mr. Ananda Charlu, etc.

² At St. Andrews Dinner in Calcutta, shortly before he left India, Lord Dufferin criticised the Congress and described the educated community as "microscopic minority." Sir Valentine Chirol writes in *Indian Unrest*, pages 154 and 155:—"It represents only one class, or rather a section of one class—the western educated middle and mainly professional class, consisting chiefly of lawyers, doctors, school masters, newspapermen: an important and influential class no doubt, but which by itself only represents an infinitesimal fraction—barely, one-hundredth part—of the whole population."

³ Sir Verney Lovett: *History of the Indian Nationalist Movement*, pages 39 to 42.

⁴ Mr. Hume divided the opponents of the Congress into three classes:—(a) Anglo-Indian officials and the Anglo-Indian Press; (b) "a few Indian fossils, honest but wanting in understanding; (c) and a certain number of time servers, men not in their hearts really opposed to the Congress, but who have taken up the work of opposition to it, because it seemed to them that this will 'pay'." As to the opposition of the Moslems Mr. Hume held that "the hostile stimulus came from the outside, from a few ill-advised officials who cling to the pestilential doctrine of 'Divide et impera'; He denounced the counter-agitation as artificial and mischievous." He then goes on to show how the true interests of the Moslems will be served by joining the Congress. Wedderburn: *Allan Octavian Hume*, pages 71 to 73.

⁵ At the first Congress 2 Mohammedan delegates attended; the second congress was attended by 33 Mohammedans, at the sixth congress 107 Muslim delegates attended.

the Muslim leaders considered it more profitable to side with the Government than to join the Congress ; though the number of Muslim delegates at some of the sessions of the Congress has been quite large. It is true that the delegates to the sessions of the Congress were not the elected representatives of the people in the strict sense of the term.¹ It is true that, with the exception of Mr. Tilak, there was no one among the Congress leaders of those days who could be said to be in direct touch with the masses.² It is true that, with the exception again of Mr. Tilak, the other Congress leaders were not of the stuff of which martyrs are made of, and, with the possible exception of Mr. Gokhale, were not prepared to make personal sacrifices³ to win liberty but were believers in political mendicancy⁴ and not in self-reliant independent action.⁵ But, none the less, the Indian National Congress, with all its professions of loyalty, studied moderation, and appealing, nay, begging tone, did in those days a great amount of spade work in national awakening, political education, and in uniting Indians and creating in them the consciousness of a common Indian nationality. It is natural for the later-day nationalists to criticize the Congress at the display of caution bordering

¹ See pages 154—156 of Chitrol : Indian Unrest, for a description of the unrepresentative character of the Congress.

² See Lajpat Rai : Young India, Page 155. "The movement lacked the essentials of a popular movement. The leaders were not in touch with the people."

³ *Ibid*, page 155.

⁴ See *Ibid*, page 156.

⁵ I have not included in the criticisms given above one which Lala Lajpat Rai regards perhaps the most important of all. He writes :—"The movement was started by an Englishman, at the suggestion of an English Pro-Consul." "It was a movement not *from within*." (Young India, page 154). It is true that Mr. Hume was one of the chief organisers of the Congress and that his consultation with Lord Dufferin was responsible for giving it a political colouring. But it should not be forgotten that there was a much wider basis for the movement. The ground had been prepared by the provincial political associations and conferences and the idea of a national organisation was first given out by Surendra Nath Banerjee in 1883. Even at the time when the Indian National Congress was meeting in Bombay, the National Conference was holding its sittings in Calcutta. The movement which culminated in the foundation of the Indian National Congress was essentially national and indigenous. It was a movement from within though helped by a few noble-minded Englishmen. Therefore, this criticism of Lala Lajpat Rai is not borne out by facts which are given in this chapter.

on timidity, and to point out the failings of the old Congress leaders but it is well to remember at the same time the nature of the times and the magnitude of the task that lay before the Congress in those days. If account is taken of them, I feel sure, it will be recognised by the critics of the old Congress, that it did perform a yeoman's service to the cause of Indian Nationalism.

CHAPTER XI.

THE INDIAN COUNCILS ACT, 1892.

I

The Indian National Congress was brought into existence for the purpose of organising the opinion of young India on questions of public interest and for giving expression to Indian grievances and views in a constitutional and loyal, but, none the less in a vigorous and emphatic manner. From the very beginning it expressed grave dissatisfaction with the form of government established by the Act of 1861 and pressed for "the reform and expansion of the supreme and the existing local legislative councils by the admission of a considerable proportion of elected members", "the creation of similar councils for the N. W. Provinces and Oudh, and also for the Punjab"¹ and for giving them the right of discussing the budget and interpellating "the Executive in regard to all branches of the administration."¹

These expressions of opinion were regarded with sympathy by the Government in the beginning ; but when it found that the Indian National Congress was attracting too much interest and support both in India and in England it changed its attitude. Instead of inviting the members of the Congress to a garden party, as Lord Dufferin had done in 1886 and Lord Connemara in 1887, the Viceroy began to disparage and belittle the organisation. At a dinner at St. Andrew's Club in Calcutta, Lord Dufferin characterised the Congress as seditious and representing no one but a "microscopical minority" of educated Indians. He had, however, to retract when Bradlaugh gave a vigorous reply to him in England. All the same the attitude of the Government became definitely hostile

¹ Resolution No. 3 of the first Congress. Besant : How India Wrought for Freedom, page 13.

from 1888—it put all sorts of difficulties in the way of holding the 1888 Session at Allahabad—and in 1890, it issued instructions to the various Provincial Governments, prohibiting government servants from attending the sessions of the Congress. The change in the attitude of the Government had the effect of making the Congress more popular and in at once doubling the number of delegates at the Allahabad Session.

II

Lord Dufferin had, however, the wisdom to realise the nature of the movement embodied in the Indian National Congress. In order to take the wind out of its sails he initiated the movement for the reform of the Councils and sent home a despatch embodying the suggestions contained in the Resolution No. 3 of the first session of the Congress quoted above—which resulted in the passing of the Indian Councils Act, 1892.

Lord Dufferin appointed a committee of his Executive Council to consider the question of reforms, important members of which were Sir George Chesney, Sir Charles Aitchison, and Mr. Westland. Sir Charles Aitchison laid down three propositions in this connection:—First, “that any changes which commend themselves should first be made in the legislative councils of local governments, and their effects waited for before taking steps in the supreme legislative council which might prove unwise and would certainly be irrevocable.” Second, “that in any case the time had come when large measures of decentralisation could be adopted and the powers of local governments could be increased with advantage to the conduct of affairs, relief to the Government of India, and corresponding economy; and that such decentralisation was a necessary prelude to any enlargement of the powers and functions of the local legislative councils.” Third, that “the true use of the Councils is as consultative bodies to help Government with advice and suggestion. It is with a view to this rather than to interpellation or debate and

criticism that their machinery should be reorganised."¹ The deliberations of the Committee were marked with "breadth of outlook and wisdom"² and its recommendations were in accord with the spirit of the times. The Committee recommended the enlargement of the Councils to include members of Indian gentry and nobility besides a certain number of officials. For this purpose it recommended the use of elections as far as possible—partly direct on a high property qualification and partly indirect by local bodies and universities. The number of elected members, however, was not to exceed two-fifths of the total number. "The Councils should see papers freely and originate advice or suggestions ; that debates on such advice or suggestions should be permitted ; and the estimates connected with local finance should be referred to a standing committee and debated if necessary in Council,"³ and that power should be reserved to Government to pass measures in certain cases against the votes of a majority in Council."⁴ Lord Dufferin characterised the scheme :—"as a plan for the enlargement of our provincial councils, for the enhancement of their status, the multiplication of their functions, the partial introduction into them of the elective principle, and the liberalization of their general character as political institutions."⁵ He disclaimed all intention of introducing, even in the provinces, the English parliamentary system and made it very clear that, in the nature of things, the executive must remain "directly responsible, not to any local authority, but to the Sovereign and the British Parliament."⁶ "It is in this view that we have arranged that the nominated members in the council should outnumber the elected members, at the same time the Governor has been empowered to overrule his Council whenever he feels himself called upon by circumstances to do so."⁷ It was, however,

1 Quoted in the Report on Indian Constitutional Reforms 1918, page 42.

2 *Ibid*, Pages 41 and 42.

3 *Ibid*, page 42.

4 *Ibid*, page 43.

5 *Ibid*, page 42.

6 *Ibid*, page 43.

7 *Ibid*, page 44.

pointed out that the scheme would open out great opportunities of influencing the conduct of provincial and local business to "such of the natives of India as may be enabled by their acquirements, experience and ability to assist and enlighten" the Governments in their work in the Councils. "As inhabitants of the country, as intimately associated with its urban and rural interests, as being in continual contact with large masses of their fellow countrymen, as the acknowledged representatives of legally constituted bodies, or chosen from amongst influential classes, they will always speak with a great weight of authority; and as their utterances will take place in public, their opinions will be sure to receive at the hands of the Press whatever amount of support their intrinsic weight or value may justify."¹

The Secretary of State in his reply counselled caution. He rejected the cardinal recommendation of the Government of India and said that the system of election was unfamiliar in India and that "it would be unwise to introduce a fundamental change of this description without much more positive evidence in its favour than was forthcoming."¹ And although Lord Dufferin had by then left India, his successor, Lord Lansdowne stuck to the old position.

III

In the meantime, Mr. Charles Bradlaugh, M.P., who attended the fifth Session of the Indian National Congress and received an extraordinary welcome and a thundering ovation, undertook to introduce, on behalf of the Congress, a Bill to amend the Indian Councils Act, 1861, in the House of Commons. The Bill was to embody the scheme passed by the Congress in 1889, the chief feature of which was a system of election through electoral colleges. Not less than half of the members of both the Imperial and Provincial Legislative Councils were to be elected, and not more than one-fourth

¹ Report on Indian Constitutional Reforms, 1918, page 44.

were to be officials. True to his promise Mr. Bradlaugh introduced the Bill in the House of Commons in 1890, but it was crowded out by other business. Mr. Bradlaugh made another attempt next year but with the same result.

IV

In the same year when Mr. Bradlaugh introduced his Bill for the first time in the House of Commons, Lord Cross introduced the Government measure in the House of Lords. As pointed out by Mr. (later Lord) Curzon in the House of Commons two years later "a very important discussion . . . the model of what such a discussion should be—took place on the second reading of the Bill. In Committee a number of important and valuable amendments were introduced in it by noble lords who have had experience in the Government of India, and it passed through that House."¹ But it could not go beyond a first reading in the House of Commons owing to the pressure of other parliamentary business. It was again introduced in 1891 and again it fell a victim to that fate which may be ascribed either "to the hardships of fortune or to the immoderate interest displayed . . . in other topics of parliamentary interest."² The Bill of 1890 as amended in the House of Lords at the time was re-introduced in the Upper House in 1892 and was passed by it without any alteration or amendment; and was brought by the Under-Secretary of State on March 8th, 1892, before the House of Commons. Mr. Curzon, as he then was, quoted Lord Kimberley, an ex-Secretary of State for India, to persuade the House to pass the measure without any further delay:—Lord Kimberley had said: "It is really a misfortune that a measure of this kind should be hung up session after session. However important may be to us our domestic legislation, let us not forget that we have an immense responsibility in the Government of that great Empire in India, and that it is not well for us to palter long

¹ Keith : *Speeches on Indian Policy*, Vol. II, page 53.

² *Ibid*, pages 52 and 53.

with questions of this kind." The appeal of the Under-Secretary fell on sympathetic ears. The Leader of the Opposition, Mr. Gladstone, gave his blessings to the measure and pressed for the curtailment of discussion and the passing of the measure without a division. Mr. Schwann, the member for Manchester, had moved two important amendments which were defeated and the Bill became the Indian Councils Act, 1892.

V

The first thing that the Act of 1892 did was to increase the number of additional members in both the Supreme and Provincial Councils. The number was increased in the case of the Supreme Council to not less than ten and not more than sixteen ; and in the case of the Madras and Bombay Councils to not less than eight and not more than twenty.¹ The maximum for Bengal was fixed at twenty and for the North-Western Provinces and Oudh at fifteen.²

The increase in the number of members especially in the case of the Supreme Council was very small. The minimum was increased by two and the maximum by four and the sponsor of the Bill in the House of Commons had to justify the niggardly nature of the reform in this connection. Mr. Bradlaugh had proposed in his two Bills to increase the number to a very much higher figure, according to Mr. Curzon "to quite impracticable and unmanageable proportion."³ Mr. Curzon quoted only the total number for the five councils, which was 260 in the case of the first Bill and 230 in that of the second ; and remarked "that the number of persons who are competent and willing to take part in the functions of these Councils is nothing like adequate to supply the extravagant expectations of those Bills."³ And he justified the "moderate addition" by the remark "that the efficiency of a deliberative

¹ Clause I—Sub-section 1 of the Act. Mukherjee : Indian Constitutional Documents, Vol. I, Page 227.

² Clause I—Sub-section 2 of the Act. *Ibid*, Page 227.

³ Keith : Speeches & Documents on Indian Policy, Vol. II, Page 59.

body is not necessarily commensurate with its numerical strength over-large bodies do not promote economical administration, but are apt to diffuse their force in vague and vapid talk."¹ It is a wonder that holding these views Mr. Curzon never attempted the reform of the House of Commons, which consisted of over six hundred members !

The member for Manchester, Mr. Schwann described the increase "as a very paltry and miserable addition" and moved an amendment asking for the raising of the minimum number of additional members to forty. But the amendment was opposed by the Government and lost.

Secondly, the Act empowered the Governor-General in Council—with the approval of the Secretary of State in Council—to make regulations for the nomination of additional members and to "prescribe the manner in which such regulations should be carried into effect."² This provision was considered sufficiently comprehensive to include the method of election. As had been stated above, Lord Cross, the Secretary of State for India, was opposed to the introduction of the system of election and consequently no provision was made in the original Bill to embody the elective principle. The sub-section quoted in the beginning of this paragraph was inserted in the House of Lords as the result of Lord Northbrook's amendment. Mr. Schwann, the member for Manchester, was not sure whether the system of election will be effectively introduced in practice, when even the word election was not mentioned in the Act and he, therefore, moved an amendment which declared that "no reform of the Indian Councils which does not embody the elective principle will prove satisfactory to the Indian people or compatible with the good government of India."³ "In reply," said Mr. Curzon, "I should like to point out that our Bill does not exclude some such principle, be it the method of election, or selection, or delegation, or

¹ Keith Speeches & Documents on Indian Policy, Vol. II, Page 60.

² Clause I—Sub-section 4; Mukherjee : Indian Constitutional Documents, Vol. I, Page 229.

³ Keith : Speeches & Documents on Indian Policy, Vol. II, Page 68.

whatever be the particular phrase that you desire to employ ;”¹ and he quoted Lord Kimberley in support : “I myself believe under this clause it will be possible for the Governor-General to make arrangements by which certain persons may be presented to him, having been chosen by election, if the Governor-General should find that such a system can properly be established.” This was exactly the manner in which the system of election was introduced by Lord Lansdowne’s Government in India. Mr. Maclean pinned down the Under-Secretary to the view of Lord Kimberley ; and Mr. Gladstone made it still more certain by saying that “what the honourable gentleman, the Under-Secretary, did embody in his speech—[“though the language of the Act cannot be said to embody”]—was the elective principle in the only sense in which he could be expected to embody it.”² Mr. Gladstone, therefore, advised the House not to divide on this issue when there was no practical difference between the amendment and the Bill as expounded by the Under-Secretary of State. The amendment was consequently lost and the Bill passed the House of Commons.

Thirdly, the Act enabled the Councils to discuss the annual financial statements. “It is not contemplated”, said Mr. Curzon, “to vote the Budget in India item by item in the manner in which we do it in this House, and to subject it to all the obstacles and delays which party ingenuity or loquacity can suggest . . . but to give opportunities to members of the Councils to indulge in a full, free and fair criticism of the financial policy of the Government.”³ This will enable the Government, to remove “misapprehension, of answering calumny and attack” and to benefit by the criticism of “the most competent representatives of non-official India.” The submission of Provincial Budgets to the Councils was proposed twenty years before by Lord Mayo, but then he was overruled by the Secretary of State in Council. The time was considered

¹ Keith : Speeches & Documents on Indian Policy, Vol. II, Page 60.

² *Ibid*, Page 69.

³ *Ibid*, Page 56.

ripe in 1892 and the change was sanctioned without any opposition.

Lastly, the Act gave to members of both classes of Councils, the Supreme and the Provincial, the right of asking questions on matters of public interest, subject "to such conditions and restrictions as may be prescribed in rules made by the Governor-General or the Provincial Governors."¹ The merits of the proposal were thus expounded by the Under-Secretary :—"It is desirable in the first place in the interest of the Government, which is at the present moment without the means of making known its policy, or of answering criticism or animadversions, or of silencing calumny, and which has frequently suffered from protracted misapprehension, which, it has been powerless to remove ; and it is also desirable in the interest of the public, who in the absence of correct official information, are apt to be misled, and to entertain erroneous ideas"¹

¹ Keith : Speeches & Documents on Indian Policy, Vol. II, page 57.

PERIOD II.

1892—1909

CHAPTER XII.

THE POLICY OF CENTRALISATION.

1

The next landmark in the history of constitutional development in India is the passing of the Indian Councils Act, 1909, embodying the reform proposals associated with the names of Lords Morley and Minto. The intervening period, 1892-1909, is important for several administrative acts and changes, many of which are associated with the name of Lord Curzon. The keynote of these changes is centralisation, though the policy of financial devolution begun in 1870 is continued. Another feature of Lord Curzon's administrative work was the distrust of Indians and the disbelief in their ability and honesty and an inexorable quest for efficiency,¹ irrespective of the consequences. But the most notable event of the period, 1892-1909, was the birth of a new spirit in the people, the spirit of self-reliance and manliness and the spirit of sacrifice to win freedom for their country. The last six years of the period were the years of unrest and turmoil. They gave rise to two new schools of political thought in India :—(1) the terrorist and the anarchist school and (2) the school of romantic nationalism led by Mr. Tilak, Babu Arabindo Ghose, Mr. Bipin Chandra Pal and Lala Lajpat Rai. The Indian National Congress was split into two camps—the Moderates and the Extremists ; and the British Government, in order to stem the tide of extremism and revolution, devised the policy of rallying the Moderates and the Mohammedans and initiated the reform of the Councils, popularly known as Morley-Minto Reforms.

¹ In his farewell speech at Simla (September 30, 1905) Lord Curzon said :—"If I were asked to sum up my work in a single word, I would say 'efficiency'. That has been our gospel, the keynote of our administration." Nevinson : The New spirit in India, page 13.

II

To resume the narrative: the first event that calls for notice is the continuance of the policy of financial devolution. There were four main defects in the system of quinquennial settlements established in 1882. As pointed out above,¹ the system of quinquennial revision led to unnecessary and wasteful expenditure and to the depletion of provincial balances in the last year of the contract in order to secure more favourable terms at the next revision. Secondly, the system gave rise to "unseemingly wrangles"² between the Provincial Governments and the Government of India at the time of revision. Thirdly, it made the Provincial Governments "over-rigid in the collection of land revenue",¹ because the amount of their share depended on the amount of the revenue actually collected. And, lastly, the inequalities between the various provinces were increased still further and the margin between real requirements and actual allotments became increasingly wider.³

An attempt was made by the Government of Lord Curzon to remove these defects by the *Quasi-Permanent Settlement* of 1904. Under the Settlement of 1904 the share of revenue which each province was to receive was definitely fixed and this was not to be changed except in cases of grave Imperial necessity or "unless experience proved that the assignment made was disproportionate to normal provincial needs."⁴ The assignments were calculated according to the then existing normal requirements of the various provinces and annual grants were to be made to supplement them for special purposes. This no doubt led to the perpetuation of the existing inequalities but removed uncertainty and the temptation to extravagance and the depletion of balances. Economy was not only made possible but encouraged as the policy of

¹ See pages 162 & 163, *supra*.

² Frazer: *India under Curzon and After*, page 357.

³ For an account of the inequalities in provincial expenditure, read Gyanchand: *Financial Administration of India*, pages 145-146 and 149-152.

⁴ Report on Indian Constitutional Reforms, 1918, page 70.

attaching provincial surpluses was abandoned. As pointed out by the authors of the Montford Report, "Local Governments could count on continuity of financial policy, and were able to reap the benefit of their own economies without being hurried into ill-considered proposals in order to raise their apparent standard of expenditure."¹

The position of the Provincial Governments was thus considerably improved but the system of divided heads inaugurated in 1882² was continued although a special committee presided over by Sir Charles Elliot had proposed its abolition,³ and Mr. Gokhale had pleaded for its abandonment before the Welby Commission in 1897.⁴ Moreover, the powers of control of the Government of India over the provincial budgets and new appointments in the provinces were not relaxed to any great extent.

The system of quasi-permanent financial settlement inaugurated in 1904, which did not come into force in all the provinces till 1906,⁵ was continued with little variation⁶ till 1912.

III.

The second important event of the period, 1892-1909, was the unification of the Indian army and its reorganisation with a view to efficiency in war. The Commission on Indian Army Reorganisation, 1879, as pointed out above,⁷ had recommended the abolition of the Presidency Army System and the unification of the army in India. As a matter of fact, "the appointment of a single commander-in-chief for India, with four subordinate commanders under him, was recommended by Lord William Bentinck, Sir Charles Metcalfe, and others

¹ Report on Indian Constitutional Reforms, 1918, page 71.

² See page 162, *supra*.

³ See Gyanchand: Essentials of Federal Finance, pages 49 & 50.

⁴ See Gokhale's speeches, Appendix I., pages 12-14 published by G. A. Natesan.

⁵ It was extended to Burma from April 1907. See Ambedkar: The Evolution of Provincial Finance in India, pages 121-128.

⁶ *Ibid*, page 123.

⁷ See page 129, *supra*.

in 1833.”¹ The abolition of the obsolete system of *Presidential Armies* was pressed upon the Secretary of State for India by four successive Viceroys before the ministry in England could be persuaded to move the Parliament in this connection. Between 1879 and 1892 five different schemes of reorganisation were suggested in place of the Presidency System.² However, before the passing of the Madras and Bombay Armies Act, 1893, several important changes had been made to prepare the way for ultimate unification. They may be summarised³ as follows:—In 1864, the three military accounts departments were consolidated into one and placed under the Military Department of the Government of India. In 1876, the three remount departments were amalgamated. In 1884, the three ordinance departments were united and commissariat regulations, applicable to the whole of India, were issued. In 1886, the Punjab Frontier Force was transferred from the control of the Government of the Punjab to that of the Government of India. In 1891, the three Presidency Staff Corps were united in one Indian Staff Corps.

The way for the unification of the Indian Army had thus been paved by 1892. In 1893 the Parliament passed the Madras and Bombay Armies Act which abolished the offices of the Commanders-in-chief of the Madras and Bombay Armies. The Officers holding these offices ceased to be members of the Governors’ Councils. The control of Governors-in-Council over their respective armies was replaced by that of the Governor-General in Council. There was to be only one Commander-in-Chief for the whole army in India which was to be organised in four large commands, each under a Lieutenant-General.

A General Order was issued in October 1894 by the Government of India according to which the offices of the Commanders-in-Chief of the Madras and Bombay Armies were abolished with effect from April 1st, 1895 and the “Army

¹ Ilbert : Historical Survey, page 108, foot-note 2.

² See Appendix II. The Army in India and its Evolution, page 196.

³ *Ibid*, pages 22 & 23.

of India" was divided into the following four commands:—Punjab (including the North-West Frontier and the Punjab Frontier Force); Bengal; Madras (including Burma); and Bombay (including Sind, Quetta and Aden), each under the command of a Lieutenant-General, who was under the direct command of the Commander-in-Chief with the Government of India.

The changes effected by the General Order were after all not so revolutionary as was expected or as they appear on a cursory view. The old names were retained and the principle of equal strength under the four different commands was maintained. "The forces in the various commands were in fact to be localised for service in those commands, and the Indian units included in them, did, in fact retain the numbers and designations which they held in the old Presidency Armies."¹ To convert the various armies into one Indian Army more drastic measures were necessary, which were introduced with characteristic energy and rapidity by Lord Kitchner during the period (1902-1909) when he was Commander-in-Chief in India.

IV.

The military policy of India had been dominated by the fear of Russian invasion through Afghanistan for nearly a generation when Lord Kitchner arrived in India. The Russian advance in Central Asia and the incident at Panjdeh² in 1885 had alarmed both the Government in England and in India.

¹ The Army in India and its Evolution, page 25.

² By 1884 Russia had come up to Merv, 150 miles off the Afghan Frontier. There was a great deal of excitement caused by the fall of Merv, but in order to avoid clash the Government of Russia proposed to the Government of India a joint commission to demarcate the northern boundary of Afghanistan. The proposal was accepted and the boundary commission set to work. The chief dispute centred round Panjdeh situated on the Junction of Murghab and Kushk rivers about 100 miles south of Merv. There was scramble between Afghanistan and Russia to occupy it to establish right by possession. "The Russian General Komaroff, a rough and hot-tempered soldier, found some Afghan troops already in possession of Panjdeh. . . . He promptly ordered them to evacuate the place and on their refusal, attacked them and drove them out with heavy loss." Russia began to mass troops on the border; and the British began their preparations on the North Western Frontier. But the situation was saved chiefly by the coolness and shrewdness of the Amir. See P. E. Roberts: History of British India, pages 473-475.

Lord Roberts was then Commander-in-Chief of the Indian Army. He initiated several important changes in the organisation of the army, two of which may be mentioned here. The first was a considerable increase in the strength of the army in India, which was increased to 225,694 men, out of which 72,602 were British and 153,092 Indian.¹ The second was the formation of the first Indian Army Reserve in 1886-87. There were to be two classes of reserves—an active and a garrison reserve. In the first class, men who had completed from five to twelve years' service were admitted while in the second those who had completed 21 years' service. "The active reserve was to be called up for 1 month's training every year, and the garrison reserve for 1 month's training every alternate year."² This system of reserves was first introduced in the infantry only but was later extended to cavalry, artillery and sappers and miners.

When Lord Kitchner arrived in India the Russian scare was again at its height. The Government of India believed that Russia was massing troops in Central Asia, completing railway communications and preparing to attack India. To meet this supposed danger the British began to project military cantonments at strategic points on the North West Frontier and to push forward other preparations, including the reorganisation of the army. On the other hand, the Russian Government was frightened by the active preparations of Lord Kitchner and began to push forward work in connection with the Orenburg-Tashkent Railway and to strengthen their forces in Central Asia. Mutual suspicion led to mutual misunderstanding and to huge and wasteful military preparations.³ Fortunately, it did not lead actually to war and the situation was ultimately eased by the Anglo-Russian Convention of 1907.

Lord Kitchner began his work of re-organisation and preparation by a tour of the North-West Frontier and by making preliminary reforms such as the separation of Burma

¹ The Army in India and its Evolution, Appendix III, page 197.

² *Ibid*, page 23.

³ See pages 399 to 403 Frazer: India under Curzon and After

from the Madras Command ; redistribution of the Punjab Frontier Force and the frontier area between Peshawar, Kohat and Derajat Districts ; redistribution of forces between Bombay and Madras ; renumbering of Indian units without any reference to the designations of the old presidency armies ; and the changing of the designation "Officers of the Indian Staff Corps" to "Officers of the Indian Army".¹ All these were important steps towards a complete unification of the Indian Army and towards the centralisation of control. The final step was taken by submitting a full scheme of re-organisation and re-distribution of the Indian Army to the Government of India on November 5th, 1903. The scheme involved a considerable additional expenditure and could only be carried out gradually. But by 1908 the re-organisation and re-distribution of the army was almost complete. In 1908 Indian Army was divided into two Armies—(1) Northern Army, consisting of five Divisions (Peshawar, Rawalpindi, Lahore, Meerut and Lucknow) and Kohat, Bannu and Derajat Brigades ; and (2) Southern Army, consisting of four Indian Divisions (Quetta, Mhow, Poona and Secunderabad), one Burma Division and an Aden Brigade. The Northern Army had its headquarters at Murree and the striking point at Peshawar and the Southern Army its headquarters at Poona and the striking point at Quetta. "At the head of each of the two armies was a General Officer, who was responsible for command, inspection and training, but had no administrative functions or responsibilities, and consequently no administrative staff. The ten divisions constituting the two Armies directly subordinate to Army Headquarters for administrative purposes, and there was little, if any, decentralisation of administrative duties."² Arrangements were made for the effective training for war of both officers and men. A staff college was started at Quetta on the Camberley Model. Every brigade commander was put in charge of training his men and every battalion was subjected to severe examination under service conditions, known as the "Kitchner test". The

¹ For details see Indian Army and its Evolution, page 26.

² *Ibid*, page 31.

net result of Lord Kitchner's reorganisation was that the strength of the Field Army increased from only four divisions to nine infantry divisions and 8 cavalry divisions—consisting in all of 152,000 men. The number of internal security troops was 82,000. To put it in the words of Sir Lovat Fraser, the re-organisation of Lord Kitchner enables India "to despatch two powerful armies one to the line of the Helmund and the other to the heights beyond Kabul ; and it still leaves her with sufficient troops to keep the peace within her borders."¹

The reforms introduced by Lord Kitchner no doubt made the Indian Army more efficient but they did not improve the position of Indians in the army nor did they make the army more national. It is true that soon after his arrival Lord Kitchner had made a "proposal for the creation of a limited number of native field batteries, to be followed by a subsequent expansion of the principle,"² which was easily put down by the Government of Lord Curzon. On the other hand, Lord Kitchner was responsible for pushing still further the distinction between martial and non-martial races and eliminating the latter from the army. This was done in the name of efficiency but the same consideration did not lead him to open the artillery and the officer ranks to men of the so-called martial races. The class basis was maintained in the organisation of the army and the strength of British Troops was augmented though they were kept mainly in cantonments spread all over the country for "internal security" and not to any large extent on the Frontier.³ And above all the cost of the army was considerably increased.

V

Closely connected with the question of army re-organisation and re-distribution was the question of frontier policy and frontier control. One of the earliest acts of Lord Curzon was to evolve a settled frontier policy, to abolish dual frontier

¹ Frazer : India under Curzon and After, page 407.

² *Ibid*, page 408.

³ Since the Mutiny British troops have performed more and more the functions of an occupation army rather than of a defence force.

control, and to separate the trans-Indus districts from the Punjab and to constitute them into a separate North West Frontier Province with a Chief Commissioner under the direct authority of the Government of India.

Ever since the Punjab was annexed in 1849 the problem of frontier defence had troubled the minds of English statesmen. Between the administrative frontier and the political frontier in the North-West there is a belt of some 25,000 square miles of very difficult mountainous territory inhabited by primitive, war-like, brave tribes numbering in all a million-and-a-half but capable of putting in the field some 300,000 men. They are in the habit of making raids into the neighbouring villages and to arrange for the protection of persons on the border is indeed a difficult task. Writes Sir Lovat Fraser: "we poured out millions of pounds, and sacrificed thousands of lives, in our repeated efforts to hold the frontier tribes in check, during a period extending over exactly 50 years"¹ (1849-1899). He mentions some 54 expeditions, large and small undertaken during that period.

There were two schools of thought on the question when Lord Curzon arrived in India—one believing in the "Forward Policy" initiated though not completed by Lord Lansdowne, of establishing full control over the Frontier Tribes and pushing the administrative frontier right up to Afghanistan; and the other, which advocated the policy of making the river Indus the real boundary: "Back to the Indus" being the main slogan of the second school. Lord Curzon took up a middle position and defined his policy as follows:—"withdrawal of British Forces from advanced positions, employment of tribal forces in the defence of tribal country, concentration of British forces in British territory behind them as a safeguard and a support, and improvement of communications in the rear."² But he contended that no definite policy could be consistently and expeditiously applied under the existing system of dual control over the Frontier which Lord Curzon described as follows:—

¹ Fraser: India under Curzon and After, page 41.

² *Ibid*, page 51.

"the Government of India, realising its own ignorance, but not realising that it was duplicating the danger has placed, between itself and the Frontier, the Punjab Government, which often knows even less and which has for twenty years been an instrument of procrastination and obstruction and weakness."¹

The question of control over the Frontier was, of course, as old as the annexation of the Punjab. Lord Dalhousie had originally intended to create a separate Frontier Province but ultimately decided to entrust the whole charge to the Punjab Government. Lord Lytton raised the question of separation and the Secretary of State also considered the change desirable but the scheme put forward by the Viceroy was too unwieldy and impracticable. He wished to create "a huge province running from Hazara to the Indian Ocean."² Moreover, he had provided for a dual control by the Viceroy and the Punjab Government. The question of separation was again taken up in 1893 and Lord Lansdowne was in favour of "a single frontier charge"³ but nothing definite was done. The matter was provisionally settled by Lord George Hamilton in 1898, who expressed himself definitely against the separation of Trans-Indus districts and "decided that the Commissioner of Peshawar, while remaining under the Punjab Government and taking his orders from that Government in all matters of ordinary administration, should act directly under the Government of India in his dealings with the tribes beyond the administrative border."⁴ Lord Elgin consulted the Punjab Government on the point and expressed himself opposed to any radical change.

Such was the position when Lord Curzon arrived on the scene. He held strong views on the question and put them forward in a lengthy and able minute, which was approved by his Council, and forwarded to the Secretary of State on September 13th, 1900. In one small paragraph he summed up

¹ Ronaldshay : The Life of Lord Curzon, Vol. II, page 132.

² *Ibid*, page 133.

³ Frazer : India under Curzon and After, page 59.

⁴ Ronaldshay : The Life of Lord Curzon, Vol. II, page 131.

his case against the system of dual control:—"It attenuates without diminishing the ultimate responsibility of the Government of India. It protracts without strengthening their action. It interposes between the foreign minister of India and his subordinate agents, not an ambassador, or a minister, or a consul, but the elaborate mechanism of a Lieutenant-Governor. Worked as the system has been with unfailing loyalty and with profound devotion to duty, it has yet been the source of friction, of divided counsels, of vacillation, of exaggerated centralisation, of interminable delay."¹ These arguments appealed to the Government in England and the proposal of Lord Curzon of abolishing the dual control and of constituting a separate North-West Frontier Province consisting of the trans-Indus districts of Peshawar, Kohat, Bannu and Dera Ismail Khan² together with the political agencies of Dir, Swat and Chitral, the Khyber, the Kurram, the Tochi and Wana, under a Chief Commissioner directly responsible to the Government of India, was sanctioned by the British cabinet in December of the same year. The new province actually came into existence on the 9th of November, 1901, the birthday of the new King-Emperor.

The way was thus clear for the immediate application of his frontier policy by Lord Curzon. The net results of his policy may be briefly summarised thus:—He withdrew large portions of regular troops from the other side of the administrative boundary—out of 15,000 as many as 11,000 were actually withdrawn.³ He entrusted the work of maintaining peace on the border to irregular troops raised from among the tribesmen under British officers and British control. Over 10,000 men were enrolled for the purpose, and the roads to Chitral, the Khyber Pass, the greater part of the Somana Heights, the Kurram Valley, the Tochi Valley and the Guman Pass were all held by them. These irregular troops were "supported by forces of border military police, whose duty it is to prevent

¹ Ronaldshay : The Life of Lord Curzon, Vol. II, page 134.

² To these was afterwards added the cis-Indus district of Hazara.

³ Frazer : India under Curzon and After, page 54.

the incursions of marauding free booters into the districts of Hazara, Peshawar, Kohat, Bannu, and Dera Ismail Khan, in British administrative territory."¹ A system of making regular payments—tribal allowances—at fixed intervals was adopted, in the words of Lord Curzon, "for keeping open the roads and passes, for the maintenance of peace and tranquility, and for the punishment of crime."² Regular troops were kept at convenient centres, at Chakdar and the Malakand, Peshawar, Kohat, Bannu and Dera Ismail Khan, ready to strike at a moment's notice. To facilitate the moving of military columns in support of tribal forces, roads were improved and strategic railways were constructed—to Dargai at the foot of the Malakand; to Jumrud at the entrance of the Khyber, and to Thal, at the mouth of the Khurram Valley.

VI

The policy of centralization begun in the case of the Frontier was carried still further in other administrative spheres by Lord Curzon. He created a number of "expert appointments" for guiding and controlling the policy in such subjects as education, agriculture, sanitation, irrigation, archæology, mines, commercial intelligence, etc. He found that the administration of these subjects was suffering from the lack of a definite policy, uniform standards and central control. As he put it in the case of education: "In the praiseworthy desire to escape centralisation at Headquarters we appear to have set up a number of petty Kingdoms, a sort of Heptarchy in the land, whose administration in its freedom and lack of uniformity reminds me of the days of Hebrew Judges, when there was no King in Israel, but every man did that which was right in his own eyes. Elasticity, flexibility, variety, our systems must have. But it will lose half its force if they are not inspired by a common principle or directed to a common aim."³ In order to remedy these defects he advocated the appointment of a Director-General of Education, who would

¹ Frazer : *India under Curzon and After*, page 53.

² *Ibid*, page 54.

³ Ronaldshay : *The Life of Lord Curzon*, Vol. II, page 189.

give expert advice to the Government of India "and would help to secure that community of principle and of aim which was so imperatively needed."¹ The post of the Director-General of Education was created in 1902 and an official of the London Education Office, Mr. W. H. Orange was its first occupant. Similar technical experts were appointed for similar reasons in other cases. Among these may be mentioned the Inspector-General of Agriculture, the Director-General of Archæology, the Inspector-General of Irrigation, the Director-General of Commercial Intelligence, the Sanitary Inspector, the Director-General of Criminal Intelligence and the Chief Inspector of Mines.

VII

The intentions of Lord Curzon were to carry centralisation as far as possible. He wanted to gather all the leading strings into his own hands. He wished to know everything that was happening in all the different parts of this huge country. And he could not brook the least signs of independence on the part of officials, however high and dignified their position may be. This is illustrated by an unsuccessful attempt that he made shortly after his arrival in India to reduce the status and powers of the Presidency Governors. He was enraged at the attitude of aloofness assumed by the Governors of Bombay and Madras. He wrote to the Secretary of State in this connection in May 1899: "Decentralisation is all very well, but it appears to me in the case of Bombay and Madras to have been carried to a point in which the Supreme Government is nowhere, and in which the petty kings of those dominions are even unconscious that responsibility attaches to any one but themselves."¹ In another letter he writes about the Governor of Madras: "Since I have been in India, now over five months, I have not had a word from the Governor, though I particularly requested him to communicate with me from time to time and let me know what was going on."² Lord Curzon felt particularly bitter at the evasive replies and long silences of Lord

¹ Ronaldshay: *The Life of Lord Curzon*, Vol. II, page 189.

² *Ibid*, page 57.

Sandhurst, the Governor of Bombay. He wrote to him in reply to his evasive letter about the detention of the two Nattu brothers of Poona : that for five full months in spite of repeated requisitions he was being kept "in complete ignorance as to why they are still under surveillance, of what you now suspect them, or what you think they would do if accorded full release."¹ Lord Curzon took a very serious view of this situation between the Viceroy and the Presidency Governors. The matter was discussed in the Council and a dispatch was addressed to the Secretary of State embodying drastic proposals. It was strongly urged that the two Presidency Governments should be brought down to the position of the Governments of Bengal and Punjab which had greater population and greater responsibilities. "The Executive Councils in the two Presidencies were an unjustifiable extravagance ; the trappings of their rulers an unnecessary luxury ; the right which they enjoyed of corresponding direct with the Secretary of State behind the back of the Viceroy an anomalous and mischievous pretension."² The "qualified privilege of insubordination"³ towards the Government of India, which was made by law supreme was both galling and dangerous. The despatch strongly urged the abolition of this evil system by reducing the two presidencies to the level of the other provinces. It was claimed by Lord Curzon that his proposals possessed the additional merit of reviving the popularity of the Indian Civil Service—which was supposed to be waning at the time—by adding two attractive posts to the list of those already available to its members at that time. The Secretary of State and the Cabinet in England did not accept the views of the Viceroy and refused to sanction the suggested changes. As a matter of fact, as will be seen later, the changes which were actually made some years after were exactly in the opposite direction—that of raising the status of other provinces to the position of the two presidencies.

¹ Ronaldshay : The Life of Lord Curzon, Vol. II, page 58.

² *Ibid.*, page 59.

³ This aphorism by an Anglo-Indian writer is quoted by Lord Ronaldshay in the Life of Lord Curzon, Vol. II, p. 59.

VIII

Closely allied to this policy of centralisation was that of officialising popular institutions—like the local bodies and the universities. Writes Sir Henry Cotton:—"Lord Curzon had weakened and discouraged the beneficent schemes of local self-government which Lord Ripon introduced and did so much to foster ; he had officialised the universities, and as far as possible the whole system of popular education ; he had substituted a system of nomination to government service in place of competitive examinations¹ ; and had announced a practical declaration of race disqualification for the higher public offices. The end in view was to officialise the administration by every means in his power, and this sinister aim was known to be underlying the project which raised such universal and bitter opposition—the Partition of Bengal."² Lord Curzon believed that Indians were lacking in all those qualities which make Englishmen good administrators. He had no faith in governing through the people or with their aid. He decided to reserve all higher posts for Englishmen, "for the reason that they possess, partly by heredity, partly by upbringing, and partly by education, the knowledge of the principles of government, the habits of mind, and the vigour of character which are essential for the task."³ The keynote of his government was that "the bureaucracy knows what is for the good of the people."⁴ He had no faith in the policy of educating Indians for self-government. He had no wish to sacrifice efficiency in the present for efficiency and freedom in the future. His fetish was efficiency then and now. It is, therefore, not surprising to find that the share of the people in the administration of the country decreased considerably during the Viceroyalty of Lord Curzon and that the policy of developing self-governing institutions received a great set back from him.

¹ In the provincial services the system of nomination was substituted for competition.

² Cotton : Indian and Home Memories, page 316.

³ Buchan : Lord Minto.

⁴ Cotton : Indian and Home Memories, page 310.

IX

Soon after his arrival in Calcutta Lord Curzon had an opportunity of curtailing the sphere of local self-government in India. A Bill to amend the constitution of the Calcutta Corporation was then before the Bengal Legislative Council. Sir Alexander Mackenzie, the Lieutenant-Governor of Bengal at the time was its originator. It was introduced as a result of agitation carried on by the anti-Ripon organisation. Influential deputations of Anglo-Indians waited upon the Bengal Government which accepted the views of the memorialists that the Calcutta Corporation as then constituted¹ was unfit to deal with such difficult and technical questions as sanitation. At the opening of the pumping station at Palmer's Bridge the Lieutenant-Governor made a serious attack on the Corporation and outlined his scheme of changes which were embodied in a Bill and introduced in the Legislative Council. The object of the Bill was to decrease the powers of the Corporation and to give extended and independent authority to the Executive. The majority of elected representatives was retained on the Corporation but "actual control over the affairs of the City" was transferred "to an Executive Committee largely British in character and composition."² Lord Curzon characterised this device as "a clumsy and mischievous form of dualism." And he was determined not to give his sanction to such a measure. Ultimately the Bill was changed according to the wishes of Lord Curzon and it became law from April 1st, 1900. The Act of 1899 reduced the size of the Corporation from seventy-five to fifty members by cutting out twenty-five of the elected members, the representatives of the rate-payers. Under the new constitution the British element was given a definite majority. The complexion of the Committees was also altered and the same proportion between official and non-official, nominated and elected, and European and Indian members as

¹ The then existing constitution was framed in 1876 in the time of Sir Richard Temple according to which the Corporation had a decided Indian majority. It was alleged by its critics "that it was an armoury of talk and an arsenal of delays." Banerjee : *A Nation in Making*, page 130.

² Ronaldshay : *The Life of Lord Curzon*, Vol. II, page 29.

in the new Corporation was secured in them. The Corporation became frankly an Anglo-Indian house. In the words of Sir Surendra Nath Bannerjea, the Act marked the extinction of local self-government in the city. There was strong agitation in the Indian Press and 28 Indian members of the Corporation resigned in a body as a mark of protest.

X

The policy of officialising administration begun in 1889 was carried still further by the passing of the Indian Universities Act, 1904. This measure has been characterised by Sir Lovat Fraser as the source of "the greatest controversy of Lord Curzon's Viceroyalty", "which produced the greatest bitterness among the leaders of Indian opinion," and which was responsible for making the Viceroy most unpopular with the educated classes in India.¹ It is no doubt true that the system of education then prevailing in India was very defective and in urgent need of reform, which was urged on Lord Curzon by Indians themselves. It is also true that the standard of higher education given in the colleges was not very high and that the universities were mere examining bodies. It may also be granted that the senates of some of the universities were unwieldy and contained some members who had no claim to be there. It may also be acknowledged that one of the important motives of Lord Curzon was to improve the quality of university education and to make the graduates more efficient. But it is also true that the procedure adopted in preparing ground for the Indian Universities Bill, 1903 was gravely defective² and gave enough scope for suspicion, as was pointed out by Mr. Gokhale in his speech on the Bill in the Legislative Council.³ It is also true that the chief condemnation

¹ See pages 175 to 178, Fraser : India under Curzon and After.

² Its foundations were laid in the Education Conference called at Simla by the Viceroy in 1902 to which no Indian was invited and whose proceedings were kept secret. The measure was based on the recommendations of a Commission which took evidence in a hurry and reported with a speed which is unknown in the history of Commissions and which was not in consonance with the gravity and importance of the subject.

³ See page 225, Natesan's Collection of the Speeches of Gopal Krishna Gokhale.

of university education in the eyes of the sponsors of the measure was the production of a large number of "discontented" B.A.'s and "the great army of failed candidates".¹ It must also be admitted, as is done by the authorised biographer of Lord Curzon, that although "important improvements in matters of details were undoubtedly effected, in its broad outlines the system of higher education remained much as it had been before."² It must also be accepted that although Lord Curzon had disavowed all intention of turning the universities into State Departments or "to fetter the colleges and schools with bureaucratic handcuffs"³ yet the chief result of the passing of the Indian Universities Act, 1904, was to Europeanise the Senates and Syndicates of the universities and to turn them into some of "the most completely Governmental Universities of the world."⁴ This was acknowledged by the Calcutta University Commission, 1917, presided over by Sir Michael Sadler. Indeed, it must be admitted, that the reform that was necessary was not attempted at all—it was not till a decade or more later that a beginning was made in establishing teaching and residential universities and it may also be noted that the lead in that direction was taken by non-official Indians—the promoters of the idea of the Hindu University. What Lord Curzon intended to do—he had announced his intentions as early as February 1900—was to assert the doctrine of State responsibility and control in the matter of university education. In his convocation address as Chancellor of the Calcutta University, 1900, Lord Curzon had declared:—"My desire is to revindicate on behalf of the State and its various provincial agents that responsibility which there has been a tendency to abdicate, and to show to

¹ Speaking at the time of introducing the Bill, Sir Thomas Raleigh, who was also the President of the Universities Commission, 1902, said: "To them (colleges and schools) also we owe the discontented B.A. who has carried away from his college a scant modicum of learning and an entirely exaggerated estimate of his own capacities, and the great army of failed candidates, who beset all the avenues to subordinate employment." Gokhale's Speeches, page 226.

² Ronaldshay: The Life of Lord Curzon, Vol. II, page 194.

³ *Ibid*, page 189.

⁴ *Ibid*, page 193.

the world that our educational system in India, liberal and elastic as I would have it remain, is yet not free to assume any promiscuous shape that accident or intention may force upon it, but must conform to a scientific and orderly scheme, for which in the last resort the Supreme Government should be held accountable, whether it be for praise or for blame."¹ Here we have the real motive which prompted Lord Curzon to place the Indian Universities Act, 1904, on the Indian Statute Book. And this is in strict accordance with the policy of concentrating all real authority in his own hands or in the hands of the Government of India. The Indian opposition to the measure was based on "the growing conviction that Lord Curzon was bent upon restricting the opportunities for higher education open to young Indians"² "Educated Indians", writes Sir Lovat Fraser, "sincerely thought that the Viceroy meant to deal a blow at the university system."²

The Indian Universities Act, 1904, attempted to achieve three main things. In the first place, it extended the functions of Indian universities from mere examination to the active promotion of study and research. It gave them "power to appoint university professors and lecturers, to hold and manage educational endowments, to erect, equip, and maintain university laboratories and museums, to make regulations relating to the residence and conduct of students, and to do all acts consistent with the Act of Incorporation and this Act, which tend to the promotion of study and research."³ As pointed out by the writer of the statement exhibiting the Moral and Material Progress of India, 1911-12, "the importance of these provisions lay in the possibilities of future development that they indicated".³ Their immediate value was slight; and even now, except in the case of the Calcutta University, there is not much teaching work that is being done by the affiliating universities.

¹ Fraser : India under Curzon and After, page 183.

² *Ibid.*, page 181.

³ Statement exhibiting Moral and Material progress of India, 1911-12, page 350.

Secondly, the Act tried to make the connection between the examining universities and their affiliated colleges closer and more effective than before. "To each University territorial limits were assigned—('up to an extreme range of 700 or 800 miles from headquarters'); the conditions that a college must fulfil in order to receive and retain the privileges of affiliation were prescribed in some detail; and in order that the university might be satisfied as to the fulfilment of these conditions, systematic inspection of colleges by university inspectors was established."¹ The powers of affiliation and disaffiliation of colleges and of making and amending regulations were given subject to the sanction of the Government.

Thirdly, the size of university senates and syndicates was considerably reduced and new senates, syndicates and faculties were appointed. The office of a senator was made tenable for five years instead of for life and the strength of the professional element in university bodies was increased. "The University is governed by a senate of from 75 to 100 members, about four-fifths of whom are nominated by Government, the remainder being elected by the senate or its faculties, or by the body of the graduates of the University".

The new senates were asked to frame fresh regulations and submit them for approval to the Government. They were promulgated during 1905 and 1906 and they made the conditions of affiliation and examination more stringent than they had hitherto been.

Much was expected by Lord Curzon from the Indian Universities Act and the new regulations² framed under it. But his expectations were not destined to materialise. His biographer writes: "Truth compels the admission that the changes actually brought about were small out of all proportion . . . to the amount of time and thought which the Viceroy had devoted to them."³ However, Lord Curzon was

¹ Statement exhibiting Moral and Material Progress of India, 1911-12, pages 350-51.

² *Ibid.* See pages 350 and 351 for a summary of new regulations.

³ Ronaldshay: *The Life of Lord Curzon*, Vol. II, page 195.

more fortunate with his reforms connected with land and its revenues, currency and commerce, irrigation, railways and police administration, and the system of bureaucratic government.

CHAPTER XIII.

ADMINISTRATIVE REFORMS 1892-1909.

I

Soon after his arrival in India Lord Curzon had drawn up a comprehensive programme of twelve reforms¹ and it was his ambition to overhaul the whole machinery and system of government in the country. It is not relevant to the purposes of this narrative to deal with each one of them. All that can be attempted at this place is to describe briefly the reforms that Lord Curzon attempted in the general machinery of bureaucratic government and in the administration of police and railways.

One of the difficulties that Lord Curzon had found in carrying out his policy of centralisation was the unsatisfactory condition of the bureaucratic machine which had settled down "in a well-worn groove" and had become "clogged and overweighted in all its parts." The amount of noting and report writing that was going on in government departments was so great that it took interminable time to wade through the file of a single case. In the mass of detail, the main issues were submerged and it was no easy task to form any definite or independent opinion on them. "The system of working here", wrote Lord Curzon to the Secretary of State, "is so radically vicious that a stage arises at which a question gets tied up in a tangle of manuscript and print in which the real issues are utterly obscured and from which no one seems able to extricate it."² He compared the system to a "gigantic quagmire or bog, into which every question that comes along either sinks or is sucked down, unless you stick a peg with a label over the spot at which it disappeared, and from time

¹ Ronaldshay: The Life of Lord Curzon, Vol. II, pages 27 and 163-4.

² *Ibid*, page 26.

to time go round and dig out the relics, you will never see anything of them again."¹ As a matter of fact Lord Curzon had come across cases which had taken years on their way to reach him. There was one case which was hung up for full sixty-one years.² Lord Curzon wrote a comprehensive memorandum on this question making a number of suggestions for coping with the evil. They were embodied in the form of regulations drawn up by a committee of departmental secretaries and put into force throughout the secretariat. Copies of the regulations were sent to the Provincial Governments for enforcement in their secretariats. Lord Curzon "tried to induce the departments to settle their business in personal consultations, to avoid protracted controversies, to reduce the practice of 'noting', and to prevent delays in arriving at conclusions".³

Lord Curzon also tried to effect considerable reduction in the printing of reports and statistics. As pointed out by Sir Lovat Fraser, this was not a wise economy. The Government of India has never realised fully the necessity and importance of publishing adequate information, statistical and otherwise, in an attractive form as has been done by the governments of other countries ; and the reports issued by it, even before the decision of Lord Curzon to apply the axe, were meagre, dry and invariably late in appearance. But since the reduction was ordered they have become "a repellent collection of the driest bones imaginable."⁴

II

The branch of administration which has not yet given satisfaction to the people of the land is police. Even foreign observers have noticed its inefficiency and lack of integrity. Soon after the Government of India was transferred to the Crown from the Company a Commission was appointed

¹ Ronaldshay, *The Life of Lord Curzon*. Vol. II, page 64.

² Fraser : *India under Curzon and After*, pages 256-57.

³ *Ibid*, page 256.

⁴ *Ibid*, page 252.

(August 1860) "to inquire into the whole question of police administration in British India to submit proposals for increasing the efficiency and reducing the excessive expenditure."¹

The Police Commission of 1860 recommended the abolition of military police as a separate organisation and the constitution of a single civil constabulary for each province under the general management of an Inspector-General. The Commissioners of Divisions were to cease performing the functions of Police Superintendents and a separate Police Superintendent was to be appointed for each district with an assistant district superintendent in addition for larger districts. Both of these officers were to be Europeans. Each district was to be divided into circles, each in charge of an Inspector ; and each circle was to have a number of police stations, each of which was to be under a Head Constable. Besides the Inspectors and Head Constables there were to be sergeants and constables all in the subordinate service. The District Magistrate was to continue his connection with the police and was to exercise supervision in the general management of police matters. These proposals were embodied by the Commission in a Bill which was passed as Act V of 1861.

When the police forces were reorganised according to the recommendations of the Commission of 1860 the police officers were drawn from the commissioned ranks of the army ; but, they "were appointed by nomination pure and simple." This was considered unsatisfactory and in 1893 the system of recruitment by competition both in England and in India was adopted, though some vacancies were filled by promotion of officers already in the public service.

The system introduced in 1861 was pronounced by the next commission that enquired into police organisation and administration as "wise and efficient", on the whole ; but by the time Lord Curzon came to India dissatisfaction with its

¹ The quotation is from the Report of the Indian Police Commission, 1902-3. See Chablanı and Joshi : Readings in Indian Constitution and Administration, page 425.

working had become general and he at once included its reform among the twelve items of his programme. In 1902 a Commission was appointed with Sir Andrew Fraser as Chairman and Mr. (afterwards Sir) Harold Stuart as Secretary to inquire into the police administration of every province and with terms of reference of a comprehensive nature.

The Commission performed its work with great earnestness and thoroughness and made a strong report whose publication was delayed for nearly two years¹ and when published several passages were omitted from it. The report of the Fraser Commission drew up a strong indictment of the Indian police system :—"The police force is far from efficient ; it is defective in training and organisation ; it is inadequately supervised ; it is generally regarded as corrupt and oppressive ; and it has utterly failed to secure the confidence and cordial co-operation of the people"² These were strong words and the Government of India felt that they painted an exaggerated picture of the evils of the existing system—being the result of "picking out and massing together all the separate blots which at various times disfigure police work in India".³ Lord Curzon himself did not think so and regarded the report as a most useful one, and he tried to give effect to most of its recommendations.

The Fraser Commission had made elaborate recommendations arranged under 127 heads. They aimed at the utilisation of indigenous local institutions, employment of the better class people with improved position and prospects, and making arrangements for the better training of officers and men and for closer supervision of the lower classes in the force. To come to particular recommendations :—In the first place, the Commission recommended the substitution of direct recruitment in place of promotion to the higher ranks and a clear demarca-

¹ The report was submitted in May 1903 but was not published till March 1905.

² Fraser : *India under Curzon and After*, pages 295-6. Other extracts from the report are also given there.

³ *Ibid*, page 246. The quotation is from the covering resolution of the Government of India.

tion in the police organisation above the head constable class. "Thus the force would consist of (a) a European Service, recruited in England ; (b) a Provincial Service, recruited in India, (c) an Upper Subordinate Service, consisting of Inspectors and Sub-Inspectors ; and (d) a Lower Subordinate Service, consisting of head constables and constables. Sub-Inspectors were to be recruited as a rule by direct appointment from men educated up to about the Matriculation Standard Inspectorships to be filled normally by the promotion of Sub-Inspectors, but in the new grade of Deputy Superintendents there was again to be a large measure of direct recruitment to the extent of half the vacancies, from candidates with still higher educational qualifications."¹ Secondly, it was laid down "that the minimum pay of constables should be such as to give a reasonable living wage, in no case less than Rs. 8 ² a month and that various improvements should be made in the rates of pay of the higher ranks."¹ Thirdly, the Commission recommended increase in provincial police forces and the employment of "existing village agencies available for police work."³ The system of beats to villages was to be abolished "and the visits of police constables to villages restricted to the purpose of obtaining specific information."³ Fourthly, the establishment of central schools for the training of constables and the provincial schools for the training of officers of and above the rank of Sub-Inspectors in each province was recommended. Fifthly, the Commission recommended "that the investigation of offences should be made 'on the spot' ; that the detention of suspects without formal arrest was illegal and should be vigorously suppressed ; that the practice of working for or relying on confessions should be discouraged in every possible way ; and that police work should not be judged by statistics, but by local inspection and

¹ Statement exhibiting Moral and Material Progress of India, 1911-12, page 92.

² The limit was lowered to Rs. 7/- in consultation with Local Governments, when the recommendations were accepted.

³ Statement exhibiting Moral and Material Progress of India, 1911-12, page 92.

inquiry.”¹ Lastly, it was recommended that a Criminal Investigation Department be constituted in each province with one Central Department on the top, under a Director of Criminal Intelligence, with the Government of India.

The recommendations of the Commission were accepted by the Government of India and were given effect to with slight modifications. The proposals to send prospective officers to England for training for two years and certain proposals pertaining to the policing of greater cities were rejected. The new changes were calculated to involve an additional expenditure of £1,000,000 a year. In actual fact the additional cost was very much greater. By 1911-12 the total police charges had risen by nearly two million pounds—from £2,691,344 in 1901-02 to £4,602,977 in 1911-12.

The reorganisation of 1905 thus nearly doubled the cost of police in India but it is doubtful whether there was proportionate improvement in the work of the service. However, it may be stated with confidence that the reforms of 1905 did not result in increasing the popularity of the Police—people still look upon it with suspicion and regard it as corrupt. In any case the police force has not succeeded in winning public confidence. Writing in 1921 Mr. P. E. Roberts remarks “It is still widely recognised that the Indian police system is far from satisfactory.”²

III

Another reform that is associated with the name of Lord Curzon is the creation of the Indian Railway Board. The history of railways in this country goes back to 1849 when the East India and the Great Indian Peninsula Railway Companies were given contracts for the building of two short experimental lines on the guaranteed system. It was, however, in 1854 that on the recommendation of Lord Dalhousie, it was decided to go in for more extended railway construction definitely on the guaranteed plan. Railway construction was regarded by Lord

¹ Statement exhibiting Moral and Material Progress of India, 1911-12.
² P. E. Roberts : History of British India, page 542.

Dalhousie as a commercial undertaking and falling outside the sphere of the governmental activity. Moreover, the government engineers were otherwise too busy to spare any time for railway work.

Under the Guaranteed System the Company undertook to construct and manage the line and the Government to provide the land and the stipulated (guaranteed) interest on the capital. In case of surplus profits half the amount was to be used to repay the Government any sums which it may have paid as guaranteed interest in previous years. "In practically all matters of importance except the choice of staff, the Companies were placed . . . under the supervision and control of the Government, which had power to decide on the standard and details of construction ; the rolling stock to be provided ; the number, time and speed of trains, the rates and fares to be charged ; the expenditure to be incurred ; the standard of maintenance ; and the form of accounts."¹ Leases were granted for 99 years to the Companies but the Government had the option of purchasing the lines after 25 or 50 years. Clauses in regard to compensation and revaluation of stock etc. at the end of the period of contract were included in the agreements.

In 1862 another system of unguaranteed companies with small subsidies was tried on a modest scale but without success. The Government was discontented with the working of the Guaranteed System and from 1869 began to undertake construction of lines through state agency and on its own capital raised directly in the market—A definite limit was fixed to such borrowings by the Government beyond which it could not go in a year. Meanwhile the Indian Famine Commission, 1880 had recommended a rapid expansion of railway communications and to meet these requirements the Government again tried the experiment of unguaranteed companies and adopted at the same time a modified form of the Guaranteed System.

¹ Report of the Indian Railway Board 1923-24, quoted from Chabiani and Joshi : Readings in Indian Constitution and Administration, page 554.

In course of time, under the purchase clauses, the Government purchased many of the lines originally built by the companies. It brought some of them under direct State management while others were still kept under Company management with more favourable terms for the State.

Thus there came to exist side by side two systems of railway management—the Company management and the State management as they are popularly called. Over the Company managed railways the Government has been exercising control through consulting engineers stationed at different centres.

When the State undertook direct construction and ownership of railways (in 1869) the management was vested in the hands of the officers of the Public Works Department. But as the work increased it was decided to constitute a State Railway Directorate. In 1874 a Director of State Railways was appointed with whom a consulting Engineer was associated "but affairs of consequence had still to be referred to the Public Works Department." In 1877 in place of one Director, three Directors of Territorial System and one Director of State Railway Stores were appointed ; but the system of territorial division did not work satisfactorily and consequently in 1880 two of the territorial directors were removed and their work handed over to the Consulting Engineers of the neighbouring centres. In the meantime a Deputy Secretary for Railways was appointed in the Public Works Department to keep in touch with the Directors of State Railways. But when the two posts of Directors were abolished the Deputy Secretary was raised to the position of the Director-General of Railways. "In the revised organisation (1880) the Consulting Engineer to the Government of India for State Railways was associated with the Director-General of Railways and assisted the latter primarily in an advisory capacity in matters effecting Civil Engineering ; the Director of Stores similarly acted in an advisory capacity in matters concerning stores and rolling-stock. He was also an adviser in matters affecting establishment. A Director of Traffic was appointed as an adviser on matters affecting traffic problems, and the accounts work of the depart-

ment was placed under the Accountant-General, Public Works Department."¹

Several changes of a more or less detailed character were made during 1880-1901 ; but the only change worthy of mention here was the abolition of the post of the Director-General of State Railways in 1897 and the creation of a Secretary to the Government of India in the Public Works Department in its place.

When Lord Curzon arrived on the scene railway administration was still supervised by the Public Works Department ; but before making any changes he felt the need of expert advice and guidance. He requested the Secretary of State to send Sir Thomas Robertson, an experienced railway expert, to India to inquire into and report on the administration and working of Indian railways. Sir Thomas came to India in October 1901. He toured all over the country, visited Canada and the U. S. A., and submitted his report in 1903. He found the condition of railways unsatisfactory and in need of a "root-and-branch" reform. He recommended that the railways should be worked "more as commercial enterprises than they have been in the past."² Among other things Sir Thomas recommended "that the administration of the railways in India should be entrusted to a small Board consisting of a President or Chief Commissioner who should have a thorough knowledge of practical working, and should be a member of the Viceroy's Council for railway matters and two other Commissioners who should be men of high railway standing and should have a similar training to that of the President"³

Acting on the recommendation of Sir Thomas Robertson⁴ the Government of India in 1905 abolished the railway branch of the Public Works Department and transferred the control

¹ Report of the Railway Board, 1923-24, see page 555 Chabiani and Joshi : Readings in Indian Constitution and Administration.

² Fraser : India under Curzon and After, page 311.

³ Report of the Indian Railway Board, 1923-24. See Chabiani and Joshi : Readings in Indian Constitution and Administration, page 556.

⁴ It is said that the suggestion to constitute a Railway Board was made earlier by Sir George Chesney.

of the railway system to a Railway Board of three persons—a Chairman and two members, directly under the Government of India in the Department of Commerce and Industry. Some changes were made in 1908 to make the Railway Board independent of the Department of Commerce and Industry.

In 1908 the Board with its staff—with the designation of the Chairman changed into President with extended powers—was constituted into a separate Railway Department, independent of the Department of Commerce and Industry, with its own Accountant-General and Chief Engineer. The Railway Department was represented in the Council by the Member in charge of Commerce and Industry who thus became also the Railway Member of the Government of India and “the President of the Board was given direct access to the Viceroy as if he were the Secretary to the Government of India.”¹

¹ Report of the Indian Railway Board, 1923-24. See page 551, Chabiani and Joshi: Readings in Indian Constitution and Administration.

CHAPTER XIV.

CONSTITUTIONAL CHANGES, 1892-1909.

I

During the period under review (1892-1909) there took place a number of events of constitutional importance. Among them may be mentioned the passing of the resolution in favour of simultaneous examinations for the I.C.S. in the House of Commons in 1893 ; the death of Queen Victoria, the Coronation of King Edward VII, the holding of the Delhi Durbar and the visit of H. R. H. the Prince of Wales ; the passing of the Indian Councils Act, 1904, and the Council of India Act, 1907 ; the definition of the position of the members of the Executive Council in the Legislative Council ; the controversy between Lord Curzon and Lord Kitchner regarding Military Membership and the position of the Commander-in-Chief leading ultimately to the resignation of the Viceroy ; and the shedding of further light on the relationship between the Secretary of State and the Viceroy.

Mention has already been made of the strong agitation set up in India in favour of holding simultaneous examinations for the Indian Civil Service both in England and in India. In 1893, on the motion of Mr. Herbert, seconded by Mr. Dadabhai Naoroji—the first Indian member of Parliament—the House of Commons passed a resolution in favour of holding simultaneous examinations. The Secretary of State for India, held that the resolution was passed by a snatch vote and therefore it did not represent the sense or judgment of the House¹ on the question and, in order to circumvent it, referred it for opinion to the central and provincial governments in India. All the

¹ Resolutions of the Houses of Parliament are not binding upon the Government as its Acts are, though the Government is expected to respect the wishes of the Houses embodied in them and treat them with due consideration.

other governments with the notable exception¹ of the Madras Government reported against the proposal and the Secretary of State, fortified with the strong opposition of the Indian Bureaucracy, consigned the resolution to the musty files of the India Office.

II

On January 23rd, 1901 India was grieved to learn of the sudden death of Queen Victoria. The Queen was held in great reverence by the Princes and people of India. "The British Government, the Monarchy and the Empire were summed up and symbolised in the minds of the Oriental in the personality of the Queen",² and on hearing of her sad death he gave full vent to his feelings of reverence and affection and of grief in great demonstrations held all over the country. Lord Curzon was quick to realise the possibilities of the situation and decided to found a memorial "which should for all time bear her name, and which should commemorate, so far as we can recover them, the renowned or remarkable episodes of the past and should provide a gallery or museum for the collection of similar objects in the future."³ The result was the construction of the famous Victoria Memorial Hall at Calcutta, at the huge cost of £550,000. It was completed⁴ in 1921 and was opened by H. R. H. the Prince of Wales, the great grandson of Queen Victoria, on December 28th, 1921. Lord Ronaldshay has described it as "the finest structure that has been reared in India since the days of the Moguls, and the most splendid concrete monument of British Rule."⁵

Lord Curzon was determined to utilize the opportunities created by the demise of Queen Victoria for Imperial purposes.

¹ It may be surprising but it is true that the Madras Government has shown itself liberal on many occasions. It was the only Government which had expressed itself against Lord Lytton's proposal to gag the vernacular press in 1878 and it again had the courage to express itself in favour of simultaneous examinations.

² Ronaldshay: *The Life of Lord Curzon*, Vol. II, page 155. The quotation is from a letter of Lord Curzon to the Secretary of State.

³ *Ibid*, page 157.

⁴ There are several details, however, that still remain incomplete.

⁵ Ronaldshay: *The Life of Lord Curzon*, Vol. II, page 162.

Writes his biographer:—"Within a very few hours of the death of Queen Victoria, he had determined that the announcement of her successor's accession to the throne should be such as should leave an indelible mark upon Indian history."¹ And later he wrote to the King himself: "I do not know if the idea has ever presented itself to your Majesty of paying a short visit to India in the cold weather and crowning yourself Emperor of India? There would be such an outburst of loyalty as India has never seen, and the act will be one of incalculable political value."² It was not possible for the King to come out to India but he readily expressed approval of the proposal of the Viceroy to solemnise the occasion by holding a great Durbar at Delhi.

The proposal, however, met strenuous opposition from the India Office and it was not till February 17th, 1902 that Lord Curzon was able to announce publicly the decision to hold the Durbar at Delhi. Even after this was done there were acute differences of opinion between the Viceroy and the Secretary of State on several points, especially on the question of remission of taxation. All the same Lord Curzon pushed on with the work of preparation at Delhi to hold a Durbar the like of which had never been witnessed before. A great amphitheatre was built accommodating 16,000 people and no pains or forethought or money were spared to make the Durbar a huge spectacular success. Lord Curzon was severely criticised both in a section of the English Press and the Press in India "for squandering huge sums of money on superfluous display."³ He defended himself by giving figures of actual cost, which totalled £180,000 "apart from Military expenditure."⁴ "Is there any one," he asked in a speech in the Legislative Council on March 25th, 1903, "who will tell me that this is an excessive charge upon a population of over

¹ Ronaldshay: The Life of Lord Curzon, Vol. II, page 222.

² Letter dated February 28th, 1901, *Ibid.*

³ *Ibid.*, page 230.

⁴ *Ibid.*, page 232, "These sums do not include the outlay by the Native States which are generally lavish on such occasions." Frazer: India under Curzon and After, page 235.

230,000,000 in British India, exclusive of the Native States, for celebrating the coronation of their Sovereign?"¹ And he went on extolling the advantages² of the Durbar held at Delhi on January 1st, 1903. "I hope I am not a rhapsodist or a dreamer. But to me, and, I hope, to the majority of us, the Durbar meant not a panorama or a procession. It was a landmark in the history of the people and a chapter in the ritual of the State."³ And it must be acknowledged that costly as this assemblage proved to be, its results enabled his successors to repeat the experiment on a still larger scale in 1911. As a matter of fact the holding of such Durbars has won an important place in the philosophy and programme of British Imperialism in India.

The Durbar of 1903 was a magnificent spectacular success and it was a great personal triumph for the Viceroy. Lord Curzon loved dignified display, pomp and pageantry. He had an artistic temperament and possessed the unrivalled gift of taking himself seriously at a function, which was characterised by Lord Selborne as both "un-British and invaluable—it is splendid".⁴ Lord Curzon had personally supervised all the arrangements. No detail was too small for him or too unimportant to be left to the decision of others. He had arranged brilliant scenes, artistically conceived, efficiently organised and faultlessly executed. Those who were present go into rhapsodies especially over the Elephant Procession at the State Entry⁵ and the State Ball in the *Diwan-i-Am* (Hall of Public Audience) in the Mogul Fort.

Another event that was responsible for arousing sentiments of loyalty during the period (1892-1909) was the visit of the Prince and Princess of Wales—the present Emperor and Empress of India. Fears were entertained of the success of the visit in the atmosphere of resentment prevailing at the time created mainly by the act of the Partition of Bengal. But the

¹ Ronaldshay: The Life of Lord Curzon, Vol. II, page 232.

² *Ibid*, page 233.

³ The passage is too long to be quoted here. See *Ibid*, page 233.

⁴ *Ibid*, page 254.

⁵ See page 233, Frazer: India under Curzon and After.

visit passed off peacefully amid scenes of enthusiasm and loyalty.

III

The Indian Councils Act, 1874 had given power to the Crown both to increase the ordinary membership of the Viceroy's Council to six, and, if later necessary, to reduce it again to five. Both these powers were exercised. Soon after the passing of the Act of 1874 a sixth ordinary member called the Member of Council for Public Works purposes was appointed. By the time of Lord Curzon the post of the Public Works' Member had become superfluous and it was abolished. The Public Works Department was given a Secretary to carry on the work of the Member ; and the strength of the Council was again reduced to five. Shortly afterwards, however, it was found by Lord Curzon that the work of the Government of India could not be efficiently performed by a Cabinet of five members. "That we should administer the Indian Empire with an executive of such microscopic proportions would everywhere be regarded as a joke, were it not an unfortunate reality,"¹ wrote Lord Curzon to the Secretary of State in October 1903 and pressed for the appointment again of the sixth ordinary member who was to be incharge of a new department of Commerce and Industry. This required parliamentary legislation, as the Act of 1874 had empowered the Crown to appoint the sixth member for a specific purpose. Consequently a Bill was introduced in the Parliament which became the Indian Councils Act, 1904.

The Act of 1904 consisted of a short single clause removing the restriction on the power of the Crown to appoint a sixth member only for a specific purpose. The words "who shall be called the Member of Council for Public Works purposes" and "for Public Works purposes" in clauses one and two respectively of the Act of 1874 were repealed² and thus the

¹ Ronaldshay : The Life of Lord Curzon, Vol. II, page 301.

² See clause 1 of the Act, Mukherjee : Indian Constitutional Documents, Vol. I, Pages 182 & 183.

Crown was empowered to appoint a sixth ordinary Member for any purpose. The bar having been removed by the Act of 1904 a new Department of Commerce and Industry was created in 1905 with a Member of the Viceroy's Council at its head. The new Department dealt with railway administration, factories, post office and telegraphs, ports and merchant shipping, the customs, mining, lighting of coasts, etc. A Director-General of Commercial Intelligence was appointed and a trade journal was established under his control.

IV

The next change introduced in the constitution of the Government of India was by the Council of India Act, 1907. The Act of 1907 repealed the Council of India Act, 1876 and the Council of India Reduction Act, 1889 and made the following modifications in the constitution of the India Council :—

In the first place, the Secretary of State was empowered to increase the membership of the Council to a maximum of fourteen.¹ The minimum limit was kept at ten¹—to which size the Council was to be reduced by the Act of 1889. Secondly, the period of service or residence in India which the majority of the members were required to have kept by the Act of 1858 was reduced from "more than ten years" to "more than five years."² Thirdly, the salary of members was reduced from £1,200 to £1,000 a year.³ And, lastly, the tenure of office was reduced from ten to seven years.⁴

V

The enlargement of the size and powers of the Indian Legislative Council by the Act of 1892 had raised the question of the position of the members of the Executive Council who were ex-officio members of the Legislature. Did they possess

¹ See clause I of the Act of 1907, Mukherjee : Indian Constitutional Documents, Vol. I, Page 179.

² See clause II of the Act, *Ibid.*

³ See clause III of the Act, *Ibid.*

⁴ See clause IV of the Act, *Ibid.*

the power of speaking and voting as they liked or were they bound to support all official measures irrespective of their personal predilections? The point was settled definitely by a dispatch from the Secretary of State, dated the 26th June, 1895. The Secretary of State held that the principle of "united and indivisible responsibility" worked out in England, applied to the members of the Viceroy's Council as well. He wrote: "It should be understood that this principle, which guides the Imperial Cabinet, applies equally to administrative and to legislative action; if in either case a difference has arisen, members of the Government of India are bound, after recording their opinions, if they think fit to do so, for the information of the Secretary of State in the manner prescribed by the Act, either to act with the Government or to place their resignations in the hands of the Viceroy." Whatever considerations may have led to the adoption of a particular policy, "the policy adopted is the policy of the Government as a whole, and, as such, must be accepted and promoted by all who decide to remain members of that Government."¹

VI

The principle of the solidarity and unity of the Viceroy's Cabinet was thus laid down unequivocally in 1895. Within a decade a stupendous controversy arose between the Cabinet and one of its members—the extraordinary member, the Commander-in-Chief—which was in reality a duel between the two powerful and autocratic personalities of Lord Curzon and Lord Kitchner. The point involved was no doubt an important one both from the administrative as well as the constitutional points of view. But the Home Government did not look at the question either from the administrative or the constitutional standpoint. To them the matter presented itself in the form of a terrible dilemma: the resignation of Lord Curzon on the one horn and that of Lord Kitchner on the other. And the British Cabinet decided to sacrifice Lord Curzon rather than face the wrath of the public at the resignation of the popular

¹ Dumbell: *Loyal India: A Survey of Seventy Years*, pages 37 & 38.

hero, the idol of the populace, the conqueror of Sudan, Lord Kitchner of Khartoum. "The Prime Minister had little doubt that, if he did resign he would not only carry public opinion in England with him, but would imperil the defence of India—and quite possibly bring down the Government—at an intensely critical moment in the history of the Empire."¹

The position of the Commander-in-Chief when Lord Kitchner joined the post was certainly an anomalous one. There were two persons in the Viceroy's Council who were in charge of Military Affairs:—the Commander-in-Chief, who was the executive head of the army and was an Extraordinary Member of the Council and the Military Member, in whom was vested the administrative control and who was an ordinary member of the Executive Council. The Military Member whose duties were mainly of a civil character was invariably a soldier of an inferior rank to the Commander-in-Chief. On the other hand the Commander-in-Chief was the highest Military Officer in the country, and, both in official precedence and social prestige, was second only to the Viceroy himself. Yet, in all matters of military administration the Military Member had the last word and was supreme. In view of this fact Lord Kitchner had wanted to come out to India as the Military Member rather than as Commander-in-Chief and even after he had actually occupied the latter post he felt—and he told Lord Curzon frankly—"that he had, perhaps, made a mistake in coming out as Commander-in-Chief and that he ought rather to have been Military Member."² If Lord Kitchner had been appointed the Military Member and there had been an officer of the Kitchner School as Commander-in-Chief, the trouble that arose and became so serious as to lead to Viceregal resignation, might have been avoided. However, it is true, that Lord Kitchner was unfitted by temperament to sit in a Council and to carry on the work of any office by the method of discussion and common decision or on the principle

¹ Ronaldshay : The Life of Lord Curzon, Vol. II, page 358.

² *Ibid*, page 351.

of joint and indivisible responsibility. That was shown clearly and tragically when he acted as the Secretary of State for war in England during the Great War.¹

However, to come to the Kitchner-Curzon controversy itself:—Shortly after his arrival in India Lord Kitchner had drafted his proposals for ending the dual control of military affairs but they did not actually come before the Government of India, till early in 1905. The question of military control was referred to the Government of India by the Secretary of State in a dispatch on which three separate Memoranda were written by the Commander-in-Chief, the Military Member and the Viceroy, which were commented upon by the other members of the Council. The whole matter was discussed in a meeting of the Executive Council and a Dispatch embodying the views of the Viceroy, the Military Member and the other ordinary members of the Council was drawn up to which the Commander-in-Chief appended a brief Minute of Dissent, which did not discuss the arguments of his colleagues but merely insisted that his views remain “uncontroverted and incontrovertible” and that he still held to the opinions expressed in his Memorandum and to his proposals for reform contained therein.

To put it briefly, Lord Kitchner’s views were that the existing system was “faulty, inefficient and incapable of the expansion necessary for a great war”; that divided authority and divided responsibility were suicidal especially in war; that the dual control should be abolished imperatively and at once; that the War Department should in future be placed in the hands of a single individual with the title of “Commander-in-Chief and War Member of Council”; and that during the absence of the Commander-in-Chief in the field an acting Commander-in-Chief be appointed with a seat in the Viceroy’s Council.

This Dispatch of the Government of India contended the

¹ Read Viscount Esher: *The Tragedy of Lord Kitchner*, for a graphic account of Lord Kitchner’s administration of the War Office and his difficulties with the Cabinet.

arguments of the Commander-in-Chief against the existing system, but expressed its readiness to modify it in details, if necessary. It strongly opposed the abolition of the office of the Military Member and the combination of the executive and administrative functions in the hands of the Commander-in-Chief for two main reasons: firstly, because it will be impossible for any man to discharge properly the combined duties; and, secondly, because the combination will undermine "the military authority of the Government of India as a whole," and will "substitute for it a military autocracy in the person of the Commander-in-Chief."¹ The Dispatch summed up the position thus:—

"His Majesty's Government may be invited to consider the position which would be produced in England if a Commander-in-Chief of the British Army possessed a seat in the Cabinet, if he were the sole representative of the army there, if he enjoyed the power and the rank of the Secretary of State for War in addition, and if His Majesty's Ministers were called upon to accept or to reject his proposals with no independent or qualified opinion to assist them."²

When the Dispatch reached the Secretary of State he sought the help of an expert Committee to arrive at a compromise solution which was approved by the Cabinet and was embodied in a Dispatch³ and sent to India. Certain modifications were suggested by the Government of India with the concurrence of Lord Kitchner which were accepted by the Home Government.

The compromise suggested by the Secretary of State was to retain the Military Member but to transfer all purely army matters to the charge of the Commander-in-Chief. The Military Member was to deal only with the quasi-civil side of military administration—with "army contracts, stores, ordnance,

¹ Ronaldshay: Life of Lord Curzon, Vol. II, page 376.

² *Ibid*, page 380.

³ The Dispatch of Mr. Brodrick, dated May 31st, 1905 was couched in a curt and offensive style and was strongly resented both in India and England; but it appears this was unintentional. See Frazer: India under Curzon and After, pages 434 to 437.

remounts and military works"¹—i.e., with supply, and was to be known as Member in charge of the Department of Military Supply. The Commander-in-Chief was to have a separate secretariat and was to deal directly with the Government of India and not through the Member for Military Supply.

The Viceroy was disposed to resign and not accept the so-called compromise which was a practical triumph for Lord Kitchner but he yielded to the persuasions of Sir Daniel Ibbetson and suggested certain modifications. Their net result was that the new Supply Member "should be available for official consultation by the Viceroy on all military questions without distinction, and not only on questions of general policy, or when cases were marked for Council."² This was a substantial change and gave the Government of India a second adviser on all military affairs. It is strange that Lord Kitchner should have agreed to it and it is still more surprising that the Home Government should have regarded the modifications in consonance with the spirit of the compromise. However, the acceptance of the modifications by Lord Kitchner and the Home Government brought the matter to an end and the Viceroy announced the final decision in the Legislative Council on July 18, 1905. But the trouble was not really over—there was still the question of the appointment of the new Member of Military Supply. The Viceroy had suggested the name of General Barrow but the Secretary of State rejected the suggestion and wanted to appoint a person with more technical qualifications for the work of Supply. This implied that the Secretary of State attached a different meaning to the modifications of July 6, 1905 to that meant by the Government of India. And, on August 12, Lord Curzon took the only course that was left to him and telegraphed his resignation. Lord Minto was appointed as the next Viceroy and Lord Curzon finally left India on November 18, 1905.

¹ Ronaldshay: *Life of Lord Curzon*, Vol. II, page 382.

² Frazer: *India under Curzon and After*, page 438. The quotation is from the Government of India's telegram of July 6, 1905.

It was thus left to Lord Minto to work out the details of the new arrangements settled in July 1905. Rules were framed with the full concurrence of Lord Kitchner and although they met with the strenuous opposition of four members of the Council they were sent to England with the note of the dissenting members. In the meantime the Liberal Party had come into power with Lord Morley as the Secretary of State for India, who had expressed strong disapproval of the action of Mr. Brodrick in yielding to the militarists and abrogating the sound principle "that civil power shall be supreme over the military power."¹ He tried to meet the views of the dissenting members of the Viceroy's Council to a certain extent and made two important changes²; and, thus modified, the rules came into force from March 19, 1906.

Under the new arrangements the Military Department was abolished and in its place two new departments were created. One was called the Army Department and was placed in charge of the Commander-in-Chief, who was to be directly responsible to the Governor-General in Council for the administration of the Indian forces; the other was named the Department of Military Supply and was placed in charge of the Member for Supply.

Two important criticisms were made of the new arrangements. First, that they placed too great a strain on the Commander-in-Chief, especially after 1909 when the post of the Military Member was abolished and all functions and powers connected with the administration of the Indian Army were placed in the hands of the Commander-in-Chief. The truth of the criticism was tragically demonstrated during the Great War in the conduct of operations in Mesopotamia. The Report of the Mesopotamian Commission states:—"It is clear that the combination of the duties of Commander-in-Chief in India and Military Member of Council cannot adequately be performed by any one man in time of war, and that the existing organisation is at once over-centralised at its head, and

¹ Frazer : India under Curzon and After, page 450.

² *Ibid*, page 452.

cumbrous in its duality below.”¹ Second, that there was not enough work for the Military Supply Member and it was a waste of money to keep him, which Indians could ill afford. In March 1909 this was realised and the post of the Military Member was abolished. The proposals of Lord Kitchner thus ultimately triumphed and the Commander-in-Chief became the sole representative of the Military Authorities on the Executive Council.

The position is extremely unsatisfactory from the constitutional point of view.² It is also fraught with dangerous possibilities. As pointed out by Sir Lovat Fraser: “When we get a combination of a headstrong Commander-in-Chief and a weak and vacillating Viceroy, when India is plunged in the midst of war’s alarms, as she may be some day, we shall have cause to rue the work of 1905.”³ Perhaps more serious from the Indian point of view are the results of these changes on military expenditure and on the Indianisation of the army. Under civil control economy in expenditure and a quickening in the rate of Indianisation would be easier to secure. It is hoped that military ascendancy will be largely curtailed in the new Indian Constitution and that the War Department will be placed under the charge of an ordinary Civil Member who may be given an expert advisory council to help him in his work.

VII

In an earlier chapter the position of the Secretary of State *vis-a-vis* the Government of India has been made clear and reference has also been made there to the effects of improved communications on the relations between the two heads of the Indian Government resulting in the tightening of control of the India Office over the Government of India.

¹ The Indian Year Book, 1916, page 136.

² It is a sound principle of constitutional government that military authorities should be under civil control and that a lay politician should be in charge of the War Office.

³ Fraser: India under Curzon and After, page 453.

However, it must be clearly stated that a careful definition of the exact legal position by the various Secretaries of State from the Duke of Argyle and the Marquis of Salisbury to Sir Henry Fowler¹ has not prevented variations in actual relationship between the Secretary of State for India and the Viceroy. As a matter of fact the actual relations between the two have depended less on the letter of the law than upon personal equation. This has never been made clearer than in the period under review (1892-1909) when India had perhaps the strongest Viceroy of modern times in the person of Lord Curzon, and, a little later, when the India Office had one of the ablest and most influential members of the Cabinet as its chief—who in spite of his radical views on democracy was apt to be most autocratic in practice.

From the very beginning Lord Curzon assumed the high tone and utilised his position with the party at Home and his friends in the British Cabinet to ride roughshod over the opposition of the India Council and to make his views prevail with the Secretary of State. Both Lord George Hamilton and Mr. St. John Bodrick, who were the two Secretaries of State during the Viceroyalty of Lord Curzon, went a long way to support their old friend and to give in to his views which were often expressed in irritating and strong language. They tried not to feel resentful at the way in which he forced their hands and even questioned their affection and motives. They made all sorts of concessions to his temperament, his bodily ailments, his trying circumstances, the effects of climate, pressure of work, etc. Writes Lord George Hamilton in a letter to Lady Curzon:—"George has had his way more than any Viceroy of modern times, and when you consider the magnitude of his reforms, the inevitable personal antagonisms that such changes arouse, it is marvellous that the instances in which he has been checked and overruled have been so few I have a deep and growing admiration for your husband's talents and force of character. But in public life you must

¹ Dumbell: *Loyal India*, pages 34 to 36.

give as well as take. The Council here are the final authority in all Indian matters. They are most distinguished, experienced men, and they cannot be expected to acquiesce in everything suggested to them without comment."¹ Similarly, the other Secretary of State, Mr. St. John Brodrick, assured Lady Curzon that he was doing his best to reduce opposition to the Viceroy's measures to the minimum: "You will not believe it," he writes, "but the Secretary of State practically abdicates his legal functions and becomes George's ambassador at the Court of St. James Don't think I am complaining of this; I knew it when I took the post."² However, in spite of Mr. Brodrick's best efforts to bridge the gulf, the breach went on becoming wider and wider. Sir A. Godley, the Permanent Under-Secretary at the India Office, had warned Lord Curzon in November 1903. He wrote:—"what I think most desirable at this moment is that you should do whatever you can to remove the impression which certainly exists, that you are inclined when there is a difference of opinion to carry your protest beyond the recognised official limits,³ to bring pressure to bear to force the hands of the Government at Home."⁴ But Lord Curzon held the members of the India Council in too great a disrespect and felt too sore over their conservative opposition⁵ to make any attempts at *rapprochement* with them. And, as to the Secretary of State and the other members of the Cabinet, he felt that a personal talk when he goes to England on leave, will remove all misunderstand-

¹ Ronaldshay: Life of Lord Curzon, Vol. II, page 238.

² *Ibid.*, page 344.

³ As an instance of this, it may be mentioned, that when the British Government declined to sanction the association of the King's name with the remission of taxation at the Delhi Durbar Lord Curzon after writing a vigorous protest to the Secretary of State cabled to the private secretary of the King for help. This was naturally resented greatly by the Cabinet, and his friends in England gave a serious warning to Lord Curzon.

⁴ Ronaldshay: Life of Lord Curzon, Vol. II, pages 342-43.

⁵ This is what Lord Curzon writes to the Secretary of State about the members of the India Council:—"Your old veterans, however, many of whom have left India for a decade or more, are as dogmatic about the subjects that they have ceased to understand as a curate in a pulpit is about those that he has not yet commenced to know." *Ibid.*, page 238.

ings.¹ But he was too vain a person to realise that things had already gone too far to be mended so easily. The differences that had developed between him and the Home Government were not mere questions of detail but were of a fundamental character. This was specially so in the case of his forward foreign policy in Asia, more particularly in Tibet and Afghanistan.² And, in the case of the military controversy, there were important political and Imperial reasons,³ besides those of a more personal nature which were responsible for the ultimate breakdown and the prompt acceptance of Lord Curzon's resignation. It was indeed an irony of fate that it should have been reserved for Mr. Brodrick, the life-long friend of the Viceroy, to administer to him a rebuff the like of which it is difficult to find⁴ in the history of relationship between the Secretary of State and the Governor-General of India. Moreover, it is sad to record that the autocratic Viceroy should have been supported in his most injudicious actions—like the Partition of Bengal in which Indian public opinion was ranged against him and that he should have been forced

¹ On February 19, 1904, Mr. Brodrick had written to Lord Curzon: "I feel sure that a great number of these questions could be settled orally without the slightest difficulty." Lord Curzon agreed and wrote further to the Prime Minister:—"I am greatly looking forward to seeing you all before long; and to discussing the many subjects of public interest you will not find the *infant terrible* so bad as you think." Ronaldshay: Life of Lord Curzon, Vol. II, page 343.

² In the case of both Tibet and Afghanistan Lord Curzon was for strong action, whilst the Home Government was trying to come to an understanding with Russia and desired to follow a milder and a more conciliatory policy. Lady Curzon writes about the Tibet Policy to her husband: "Tibet has frightened the whole Cabinet, and they think it rash and are frightened to death." For an account of the Tibet campaign, see pages 525 to 538 Roberts: History of British India, and also Ronaldshay: Life of Lord Curzon, Vol. II, pages 344 to 347.

³ See pages 243-44 *supra*. The quotation from the Prime Minister's letter gives the political and imperial reasons.

⁴ The Dispatch in which the Secretary of State communicated the decision of the Cabinet on the military controversy was characterised by Lord Ripon in the House of Lords "as the greatest rebuff administered to any Government of India since the days of Lord Ellenborough's famous Dispatch to Lord Canning about the affairs of Oudh." Lord Curzon had strongly protested against it to the Prime Minister. He ended his letter thus:—"My time is drawing to an end, and this policy of public humiliation cannot affect me much longer. But it is my duty to represent to you that it is doing incalculable harm, and that it is lowering the dignity and impairing the influence of your representatives in this country." Ronaldshay: Life of Lord Curzon, Vol. II, pages 406 & 407.

to the point of resignation in a matter over which the public opinion was solidly behind him and in which he was on a firm and sound ground.

It will be clear from what has been said above that in spite of the most favourable circumstances—he had to deal all along with Chiefs who were his personal friends and admirers—Lord Curzon failed to maintain cordial relations with the authorities at Home. His difficulties were of a personal nature. He did not possess an “understanding mind”. His temperament was autocratic and obstinate and these defects were increased by his physical ailment, strain of overwork and the trying climate. He lacked imaginative sympathy and tact and invariably rubbed the people the wrong way. And, in spite of his great abilities, his tremendous energy and application, his organising skill and administrative powers, his high sense of duty and of quixotic justice, his desire to do good to the people and make government efficient, he failed to win public confidence and support either in England or in India.

In strange contrast to Lord Curzon was the personality of his successor, Lord Minto. A soldier by training and a conservative in his political faith he was unfailing in his courtesy and suavity of manners. Amidst great difficulties—which were largely the creation of his predecessor—he tried to steer the ship of the State with considerable tact and skill. He understood the temperament of his Chief at the India Office and tried to accommodate himself to the exigencies of the situation; and in spite of the wide differences in their temperaments and outlook, the two Heads of the Government of India co-operated together in an exemplary manner. In the midst of official correspondence they found time to complement each other and to build new bridges to span the natural gulf between them. It is pointed out by his critics that Lord Minto's success with Lord Morley was due largely to his weak and yielding nature and to the absence of any strong convictions. However, it appears to me that the more important factors in this connection were Lord Minto's tact, courtesy, understanding of Lord Morley's character and temperament

and his practical training in the art of constitutional rule in Canada.¹ Writes his biographer: "Minto shrewdly assessed the temperament of the Secretary of State and set himself to counteract its dangers. His aim was by patient arguments and adroit suggestion to get Mr. Morley to believe that the policy of the Government of India was initiated by White Hall . . ."²

However, it must not be understood from what has been said above that there were no differences between Lords Morley and Minto. On the other hand there were moments of acute tension between the two. And especially about the end of Lord Minto's term, things reached almost the breaking point. This was due to the strictness of control exercised by the Secretary of State in Council, the insistence of the Secretary of State to press his own nominees for the posts of executive councillors without attaching due weight to the recommendations of the Viceroy and to the use of unfelicitous language, by Mr. Montagu, who was then Under-Secretary of State, in describing the nature of relations between the Secretary of State and the Government of India in the House of Commons. Strong objection was taken to the use of the following phrase: "Lord Morley and His Council, *working through the Agency of Lord Minto*, has accomplished much . . ."³ It was felt that to reduce the Viceroy to the position of a passive agent was to destroy his prestige in India.

Lord Minto has left a clear account of his relations with the Secretary of State in a letter (July 5, 1910) to Sir Arthur Bigge with which it will be most apt to close this Chapter. The relevant passage runs thus:—

"I must serve H. M.'s Government straightforwardly, but if I had been going to stay longer I should have felt bound to ask that the position of the S. of S. towards the G. of I. should be considered. No one except those who have been behind the scenes here knows what the interference has been

¹ Lord Minto was Governor-General of Canada from 1898 to 1904.

² Buchan : Lord Minto, pages 223 & 224.

³ *Ibid*, page 223.

about every little thing. I used to imagine that the S. of S. aimed only at directing great principles of Indian Policy, and that the administration of the country rested with the Government of India, but there has been interference in everything. It only results in intense worry for the Viceroy, for, do what he will, *the S. of S. cannot administer India*. As a matter of fact, I believe, I have gained my point in everything since I have been here, but it has generally been by not losing my temper when I should have been thoroughly justified in doing so—sometimes by not answering—often by asserting myself in the most courteous language—and often by humouring the peculiar personality with which I had to deal.”¹

¹ Buchan : Lord Minto, pages 312-13.

CHAPTER XV.

THE RISE OF RELIGIOUS NATIONALISM.

I

The period 1892-1909 is famous in the history of British India for two noteworthy events:—(1) the rise of religious nationalism and (2) the inauguration of the Morley-Minto Reforms.

The Indian national movement had no doubt begun in the eighties of the last century but it was not until 1905 that it acquired the character of a real mass movement. A new life burst forth in the country in the years 1905-1909 and it gave rise to two new schools of nationalism both of which were permeated with a deep religious spirit though each followed its own separate methods. The leaders of each school were men of great courage and of self-sacrificing and independent spirit, dominated by the love of country and the dislike of foreign rule; and they were distinguished from the older Congressmen by their disbelief in the good faith and generosity of the British and in the efficiency of the method of "political mendicancy" and by their faith in self-reliant and independent action. The leaders of both the new schools were dominated by the same spirit; they were against Westernisation of India and her people; they were intensely and even aggressively nationalistic; and they worked for the same goal—a free, independent India restored to its pristine purity and ancient glory and prosperity. The difference between the two schools—the Extremists and the Revolutionaries, as they came to be called—was one of method only. The one school believed in political agitation and national reconstruction—through the boycott of British goods and British institutions such as government offices, courts, schools, etc., and through Swadeshi and the setting up of national, indigenous institutions like the

national schools, arbitration boards and panchayats, etc. The other believed in the efficiency of Western revolutionary methods and especially in terrorism and political assassinations through dacoities and the use of the pistol and the bomb. Each school carried out its programme separately and independently and both of them are still with us—each believing in its own method of work. But before describing the work of each school it appears to me necessary to deal with the causes of their birth.

II.

The rise of religious nationalism in the first decade of the twentieth century cannot be attributed to any single factor like the bid for power by the displaced Brahmins¹ or by the discontent caused by the Partition of Bengal and other unpopular acts of Lord Curzon or the failure of old Congress methods of sweet reasonableness and petitions. In my opinion there were a large number of factors that had combined to give a new turn to the Indian National movement and which led to the creation of the two new schools of nationalism—the extremists and the revolutionaries. These factors may be grouped together under the following eight heads:—(1) the influence of certain external events like the defeat of Italy by Abyssinia in 1896 and more particularly of Russia by Japan in 1905, by the achievement of national unity and independence in Italy under the inspiring leadership of Mazzini, Garibaldi and Cavour, and the nationalistic attempts in Russia, Egypt, Persia and Turkey; (2) the unpopular acts of the British administration in India, especially under Lord Curzon, such as the passing of the Age of Consent Act, 1891, the Calcutta Corporation Act, 1899, the Indian Universities Act, 1904, the Official Secrets Act, 1904, the carrying out of the Partition of Bengal in 1905, the undertaking of costly expedition to Tibet and the search for a scientific Frontier in the North-West involving difficulties with Afghanistan and a substantial increase

¹ See Chirol: *Indian Unrest*, especially, pages X & XI, and 40 and 43.

in military expenditure, the despatch of Indian troops to South Africa and China, etc. ; (3) the visitations of natural calamities like famine and plague and the measures taken to meet them ; (4) the anti-national outlook shown by the Government in dealing with economic questions such as the exclusion of Indians from higher appointments in their country, the levying of countervailing excise duty on Indian cotton goods and the manipulations of the exchange policy ; (5) the display of racial arrogance, insolence and bad manners by Anglo-Indians leading to unfortunate conflicts and murders and the miscarriage of justice in such cases ; (6) the unjust and humiliating treatment meted out to Indians in the colonies, especially in Transvaal and Natal ; (7) the awakening of the people caused by the new intellectual and religious forces—by education in schools and colleges, by propaganda and agitation through the press and the platform, by personal contact at congresses and conferences and by the work of religious reformers and associations ; and (8) the failure of the Indian National Congress in getting Indian wrongs redressed and Indian demands fulfilled by old methods, *i.e.*, by holding annual sessions, delivering reasoned speeches, passing resolutions and addressing petitions to the House of Commons and the British nation. All these factors combined to create a new life in the country and the activities of the nationalists of both the extremist and the revolutionary schools led to the inauguration of a policy of repression on the one hand and political reform on the other at one and the same time.

III

Up till the eighties of the last century it was believed in India that Europeans were so well-organised and so powerful that they were invincible. Against them the Africans and the Asiatics had no chance whatsoever and open conflict with them was not only useless but positively harmful. This feeling of inferiority and helplessness began to decrease in the nineties when the Abyssinians won a decisive victory over the Italians

in 1896.¹ Sir Alfred Lyall calls this "the first decisive victory gained by troops that may be reckoned Oriental over a European Army in the open field, for at least three centuries."² Much more important than the Abyssinian victory of 1896 from this point of view were the two victories which Japan won, one over China in 1894 and the other against Russia in 1905. The victories of Japan were held by Indian leaders to herald "the dawn of a new era for the whole of Asia."³ This was specially so in the case of the victory over Russia. In this connection writes Mr. Pradhan:—"It is impossible to exaggerate the effects of the Japanese victory on the Indian mind The educated classes, and in particular the young student world, began to study the history of Japan and to enquire into the causes that made her so great and powerful, that enabled her to inflict such a crushing defeat upon one of the greatest military Powers of the West. Her successful resistance against the aggressive designs of Russia was attributed—and rightly—to her unique patriotism, spirit of self-sacrifice and nationality. These virtues, it was thought, could work miracles, and enable even a subject and disarmed country like India, to free herself from the crushing bondage of England."⁴ The victory of Japan over Russia aroused scenes of unprecedented enthusiasm in the country and gave the Indian people a new hope and a new outlook in politics. This was strengthened by the accounts they read of the new movements for national uplift and freedom that were going on in oriental and semi-oriental countries like Egypt, Russia, Persia and Turkey. Although these movements were largely unsuccessful they had their effect in rousing the people in India from their age-long torpor.⁵

¹ "The rout of Italy by Abyssinia is supposed to have added fire to Tilak's agitation in 1897." Garratt: *An Indian Commentary*, page 134.

² Chisol: *Indian Unrest*, page IX. Introduction by A. C. Lyall.

³ Pradhan: *India's Struggle for Swaraj*, page 69. Mr. Tilak expected a great awakening as the result of China's defeat by Japan, "the ultimate result (of which) would be to check the imperialistic ambitions of Western powers."

⁴ *Ibid.*, page 75.

⁵ Nevinson: *New Spirit in India*, page 322.

In this connection it is necessary to mention the influence exerted by the achievement of national unity and independence by Italians under the inspiring leadership of Mazzini, Garibaldi and Cavour. The life and works of Mazzini in particular were written and translated in the vernaculars and the national leaders in India used the Italian example to arouse patriotism in the minds of their countrymen. This was particularly so during the period 1892-1909.

IV

More important than the influence of external events in arousing Indians and in making them discontented with things as they were was the quest for efficiency pursued ruthlessly by Lord Curzon in India, trampling under foot all ambitions and aspirations of young India. During 1892 to 1909 a series of unpopular acts were passed and enforced by the British administration which aroused a storm of opposition in the country and bred hatred of foreign rule in the minds of Indians. The results of the passing of the Calcutta Corporation Act, 1899, and the Indian Universities Act, 1904, have already been described in a previous Chapter.¹ It is only necessary to deal with the other unpopular measures and policies here.

The agitation over the Age of Consent Bill, 1891, was certainly unenlightened as was the similar agitation over the Sarda Bill more recently. It is true that very little good comes out of legislation much in advance of public opinion ; and more can really be accomplished by propaganda and education. But to proceed only "by securing for our reforms the sanction of religion"² or to urge that "legislature should bind the reformers only and not the masses"³ as was done by Mr. Tilak at the time was not practicable and the cry raised that the Hindu religion was in danger from the hands of an

¹ See Chapter XII, *supra*.

² Quotation is from Mr. Tilak's speech delivered on November 1st, 1890 on his alternative proposals to the Government Bill. Athalye : The Life of Lokmanya Tilak, page 53.

³ *Ibid*.

alien bureaucracy was certainly mischievous. It was alright to hold that the Bill could not accomplish much or that it would remain a dead letter—but it could not have been expected to do any harm to Hindu religion or Indian Society. Surely men like Ranade, Bhandarkar or Justice Telang could not have lent their support to the measure if they had thought for a single moment that it would be injurious to the interests of the Hindu society.

The measure arose out of the activity of Mr. Malabari who toured all over India and even went to the United Kingdom for the purpose. He brought pressure on the Governor-General in Council as a result of which the Age of Consent Bill was introduced by the Government in the Legislative Council. It purported to raise the age of consent from 10, as it then was, to 12. It was strongly opposed in the country, the two chief protagonists being Mr. Tilak and Pt. Sasadhar. It ultimately became law in March 1891. It proved to be a very unpopular measure and brought the Government in great disfavour of the orthodox people.

Another Act which was greatly resented by Indians was the Official Secrets Act, 1904. In the year 1889 an Indian Official Secrets Act was passed to prevent the disclosure of military secrets by making such disclosure a penal offence punishable with "imprisonment for a term which may extend to one year, or with fine or with both."¹ In the year 1898 another Act—Act IV of the year—was passed repealing the existing section 124A and substituting in its place a new section on sedition, which was defined as exciting or attempting to excite, "feelings of disaffection towards Her Majesty or Government established by law in British India" which was made punishable with transportation for life or a shorter term and to which fine may be added or with imprisonment up to three years, with or without fine, or with fine alone. The Act of 1898 inserted a new section 153A in the Indian Penal Code

¹Section 3 clause 1 (c) of the Act XV of 1889. H. P. Ghosh, *Press and Press Laws in India*, page 60.

to punish those who were found guilty of promoting enmity between classes." It also substituted a new section in place of the old section 505 of the Penal Code in order to punish the making of "statements conducing to public mischief." The Indian Official Secrets Act, 1904 extended the provisions of the Acts of 1889 and 1898 in two directions—one, to include in the offences punishable under the Act of 1889 not only disclosure of military secrets but also those relating to civil affairs; and, second, to include in the offences punishable under the Act of 1898 newspaper criticism "likely to bring the Government or constituted authority into suspicion or contempt." Remarks Mr. Nevinson: "As the burden of proof was thrown on the accused, and it was unnecessary to establish criminal intention for conviction, the Act limited newspapers to the supply of such information as the Government pleased."¹ In spite of this, however, Sir Lovet Fraser describes the Act as "a routine measure" and finds it difficult to understand as to how it "could ever have created any hubbub."²

Similarly Sir Lovat also characterises Indian criticism over the mission to Lhasa as "stupid and groundless."³ It is not necessary to enter into a detailed description of the Frontier Policy of Lord Curzon and his attitude towards Afghanistan and Tibet. It is sufficient to note that his policy was disapproved by the Home Authorities and strongly opposed by the people in this country. And the chief grounds on which Indians based their criticism were two:—They were against extension of British Imperialism and they resented the heavy increase in the military expenditure—which was mounting up yearly although little was being spent on nation-building activities. They did not wish Indian troops and Indian money to be used for inflicting misery and death on inoffensive people living in self-inflicted exclusion and loneliness. Similar were the reasons for the resentment felt at the despatch of Indian troops to China and South Africa. Indian troops, it was held

¹ H. W. Nevinson: *The New Spirit in India*, page 4.

² Frazer: *India under Curzon and After*, page 462.

³ *Ibid*, page 135.

by the people, were maintained for the protection of Indian frontiers *i.e.*, for Indian defence. They were not meant to secure extension of Empire boundaries. Indians, therefore, strongly resented the employment of their troops to further British imperialistic designs.

But all these measures—the passing of the Age of Consent Act, the Calcutta Corporation Act, the Indian Universities Act, the Official Secrets Act, and the pursuance of imperialistic foreign policy—unpopular as they undoubtedly were would have by themselves been insufficient to create the anti-government movement of 1905 and the succeeding years had it not been for the stupid and mischievous persistence of the Government of Lord Curzon in carrying out the Partition of Bengal—of the people who had only recently become conscious of their nationality and unity—amidst universal popular protests.

V

The Partition of Bengal is the crowning act of folly of the Curzonian régime in India. Although it is likely that the anti-government movement would have come sooner or later even without the Partition yet it is a fact, as pointed out by Mr. Nevinson, that the Partition was the actual starting point of the movement begun in 1905.¹

Anglo-Indian and English writers have generally attributed the rise of the Partition agitation mainly to two selfish reasons—which were put forward pointedly by Sir Lovat Fraser in his book, *India under Curzon and After*² and which have been stated as follows by the authorised biographer of Lord Curzon : “The Calcutta bar, the most numerous and powerful in India, had visions of a separate High Court coming into existence to serve the populous districts of the proposed new Province, to their own material and political disadvantage. The politicians who controlled the native newspapers of Calcutta were equally alive to the probable curtailment of their own

¹ Nevinson : *New Spirit in India*, page 170.

² Page 384.

activities and influence in the event of other newspapers springing to life in the capital of a new Administration."¹ But these reasons cannot explain the unanimous opposition of both Indians and Anglo-Indians, Hindus and Mohammedans, professional classes and land-owners, urban and rural populations to the Partition when it was originally proposed in 1903.² The truth is that coming as the Partition did soon after Lord Curzon's famous Convocation Speech in which he attacked the Oriental character and Bengali loquacity and not long after the passing of the Indian Universities Act "the intelligentsia of the Province" interpreted it "as a subtle attack upon the growing solidarity of Bengali nationalism"³, to use the words of Lord Ronaldshay. It was also believed by Indians that the Partition was designed to drive a wedge between the Hindus and the Mohammedans and to create communal enmity and disunion. Writes Mr. Mazumdar: "Fully resolved to crush this new spirit by dividing the people against themselves, Lord Curzon proceeded to East Bengal and there at large meetings of Mohammedans, specially convened for the purpose, explained to them that his object in partitioning Bengal was not only to relieve the Bengal administration, but also to create a Mohammedan province, where Islam could be predominant and its followers in the ascendancy"⁴ Indeed it appears that there was some such sinister motive behind the scheme: otherwise one of the two alternative schemes—one of which was said to be favoured at the time by Mr. Brodrick, the then Secretary of State for India,⁵ and the other which was finally accepted in 1911 would surely have been adopted.⁶ Moreover,

¹ Ronaldshay: *Life of Lord Curzon*, Vol. II, page 322.

² As to the universality of opposition at the early stages, see Nevinson: *The New spirit in India*, pages 11 & 168. Mazumdar: *Indian National Evolution*, page 205 and S. N. Bannerjee: *A Nation in Making*, pages 185, 188 & 191.

³ Ronaldshay: *Life of Lord Curzon*, Vol. II, page 322.

⁴ A. C. Mazumdar: *Indian National Evolution*, page 207.

⁵ Nevinson: *The New Spirit in India*, page 11.

⁶ The scheme supposed to have been favoured by Mr. Brodrick was to raise Bengal to the status of Governorship and to organise the outlying districts of the Province into Commissionerships. The other scheme which was formulated at a conference held at Maharaja Jotindra Mohan Tagore's Palace in July 1905, immediately after the Government announcement to

the whole policy followed by the Government of the newly created Province of Eastern Bengal and Assam lends a strong support to this belief. However, as is now acknowledged by almost all writers, "it was sentiment that gave the movement the force it ultimately acquired,"¹ as put by Lord Ronaldshay. It is alright for Sir Harvey Adamson and others to sneer at this sentimental objection² but it is such a sentiment that has been responsible for heroic deeds in the past and in the present in India and elsewhere. Writes Mr. Nevinson: "the root of the indignation is a sentiment And just because it is a sentiment no material advantage or convenience of administration can ever serve as compensation for the wrong."³ It may be that material considerations of the kind mentioned by Sir Lovat Fraser were present in the minds of some of the supporters of the Partition agitation, but, it must be admitted, that a very large number of those who participated in the popular movement were dominated by a patriotic and noble motive—the preservation of the unity and the sense of nationality among the people of the Province. It is no doubt true that a large number of Mohammedans were won over by the kind of arguments used by Lord Curzon in his speeches in Eastern Bengal already quoted above⁴ and perhaps by other more material considerations, but, it must also be granted, that the Partition was still opposed by a number of Mohammedans, including cultured and prominent men. Speaking at the Congress of 1906, Nawabzada Khajah Atikullah⁵ openly declared:—"I may tell you at once that it is not correct that

partition Bengal, and was embodied in a telegram sent by the Maharaja to the Viceroy and was finally adopted by Lord Hardinge's Government in 1911 was to separate the non-Bengali portion of Bihar & Orissa from Bengal and form it into a separate Province with its capital at Patna.

¹ Ronaldshay: *The Life of Lord Curzon*, Vol. II, page 322.

² Speech at St. Andrew's Dinner, December 1907.

³ Nevinson: *The New Spirit in India*, page 172.

⁴ In one of his speeches Lord Curzon promised that the partition "would invest the Mohammedans of Eastern Bengal with a unity which they had not enjoyed since the days of the old Musalman Viceroys and Kings." *Ibid*, page 191.

⁵ He was the brother of Nawab Salimullah, the great supporter of Lord Curzon and the Partition, whose picture has been most vividly drawn by Mr. Nevinson in his *The New Spirit in India*, pages 189 to 205.

the Mussalmans of Eastern Bengal are in favour of the Partition of Bengal. The real fact is that it is only a few leading Mohammedans who for their own purposes supported the measure."¹ And writing on behalf of the Central Mohammedan Association, Calcutta, Nawab Ameer Hossain, C.I.E. remarked:—"My Committee are of opinion that no portion of the Bengali-speaking race should be separated from Bengal without the clearest necessity for such separation, and they think in the present case such necessity does not exist."²

The argument generally given in support of the Partition is that of administrative efficiency ; and it is no doubt true that the Province of Bengal had become too big a charge for one person and that a mere Lieutenant-Governor. It contained close upon 80,000,000 souls. But of this, it must be remembered, Bengal proper contained only 43 millions inhabitants, the rest were non-Bengali people. Bihar and Orissa alone counted for 21,000,000. The needs of administrative efficiency could surely have been met, as they were met only six years later, by separating the non-Bengali people from the people of Bengal. But in 1905 such a course did not recommend itself to the Government ; and, consequently, amid loud protests it was announced on July 20, 1905, that Bengal was to be divided into two parts :—Bengal proper was to consist of only 18,000,000 Bengalis with the people of Bihar, Orissa and Chota Nagpur, with a total estimated population of 54,000,000, of whom 9 millions were Mohammedans ; and the new province of Eastern Bengal and Assam was to contain 25 millions Bengali with a total population of 31,000,000 of whom 18 millions were Mohammedans. The announcement aroused a strong outburst of feelings among the people and led to an agitation the like of which had not been witnessed before in India. The actual day of the Partition, October 16th, was observed as a day of national mourning not only in 1905 but in succeeding years till the partition was modified in consonance with national sentiment.

¹ *Mazumdar* : Indian National Evolution, page 207.

² *Ibid*, pages 207-208.

VI

The Partition of Bengal thus played a notable part in the creation of the national movement in 1905 ; but there were other causes that had long been in operation which had made their own contribution to the rise of the spirit of discontent among the people—one of them was the influence of natural calamities like famine and plague and of the measures adopted by the Government to meet them.

It is not true to say that famines were an unknown phenomena in India till recent times but in the period under review (1892-1909) they became very frequent, most severe and intense. The famine of 1896-97 has been characterised by Sir Lovat Fraser as "the most intense and severe famine ever then known under British rule. By the spring of 1897, over four million people were receiving relief, and mortality was extremely heavy."¹ The Government machinery for relief and remissions of revenue was slow in moving, especially at the beginning, and there was great distress in the country. Mr. Tilak organised voluntary help for the suffering people and tried to prevent the forcible realisation of land dues from the poor, ignorant peasants. And he tried to check demoralisation among them and to instil in them a manly spirit. He had his volunteers in the country explaining clauses of the Famine Relief Code and the rights of the peasants under them to help and remissions of revenue. And he himself pleaded with them through his vernacular paper, the *Kesari*:—"Will you when the Queen desires that none should die, when the Governor declares that all should live and the Secretary of State is prepared to go in for debt, if necessary—will you kill yourself by timidity and starvation? If you have money to pay Government dues, pay them by all means. But if you have not, will you sell your things away only to avoid the supposed wrath of subordinate Government officers? Can you not be bold, even when in the grip of death?"² Food riots

¹ Lovat Fraser: India Under Curzon and After, page 4.

² Athalye: The Life of Lokmanya Tilak, pages 84 & 85.

broke out in many parts of the country. There were terrible hardships and sufferings. And to accentuate them still further a new epidemic, a loathsome disease broke out in the country at almost the same time. This was the appearance of the bubonic plague in the country in 1896. The disease spread with terrible rapidity and caused great havoc in the western parts of the Bombay Presidency. By the end of 1898, "the recorded number of deaths . . . reached a total of 173,000, which was probably considerably below the real mortality."¹ When the Government realised the seriousness of the situation it became active and began to impose strict sanitary measures on the people. No doubt the zeal of the Government officers and the vigour with which they enforced the measures were admirable but unfortunately they employed methods which infuriated the people of the land. In vain did Mr. Tilak appeal to the Government. At great personal risk and with commendable public spirit he started his own Plague Hospital. But the Government Officers, especially the Plague Commissioner at Poona, Mr. Rand, went on in their own unsympathetic, understanding, though vigorous, manner imposing strict sanitary measures through European Soldiers. "They tried disinfectants, and poured thousands of pounds in the form of chemicals down drains, ditches and streets . . . They tried 'segregation'. They divided the city into compartments under military guard, and sent British soldiers into the houses to examine men, women, and children, and to take them to isolated hospitals if there was a sign of plague No greater profanation of the Indian reverence for home and women could be imagined than this forcible entrance and examination by men—by soldiers of another race."² The people were infuriated. Riots broke out. There were strong writings in the Press, and a sensitive young man shot the unpopular Plague Commissioner of Poona, Mr. Rand, and his associate, fearing immediate discovery, shot Lieutenant Ayerst

¹ Frazer : India under Curzon and After, page 5.

² Nevins : The New Spirit in India, page 49.

who was following Mr. Rand in a carriage. This was followed by stern repression and agitation especially in the whole Maharashtra country. This is commonly described as the beginning of the Indian mass movement and of revolutionary crime in India.

But the tale of Indian suffering and woe from natural calamities does not end here. Soon after India was again in the terrible grip of another and a yet more severe famine—the famine of 1899-1900. The drought of 1899 was described by the Government Meteorologist as “the greatest in extent and in intensity which India has experienced during the last two-hundred years.”¹ Large parts of India were affected. “The area affected was over 475,000 square miles, with a population of 25,000,000 in British territory, and 30,000,000 in native States.”² There was in addition water and fodder famine in some part of the country. “Cattle died in millions, and the famous breeds of Gujrat were almost wiped out.” There was terrible and wide-spread suffering. By July 1900 6,500,000 people were receiving Government relief. Government had to remit land revenue to the extent of £1,333,000. £6,670,000 were spent on direct relief and £1,850,000 was advanced to landowners and cultivators as loan. The Indian States spent altogether about £4,000,000. These figures will give some idea of the extent and intensity of the Famine of 1899-1900.

Such severe sufferings could not but lead to discontent. Famine followed by Plague; Plague succeeded by Famine; Malaria, Plague, Famine alternating one another could not but have souring effect on the minds of the people: And the Government of the country came in for a large share of blame. Writes Mr. Nevinson: “I do not say these disasters are the fault of the Indian Government or the British people. But it is obvious that they do not tend to make the sufferers under them considerate towards the difficulties of the rulers

¹ Fraser: India under Curzon and After, page 283.

² *Ibid*, page 283.

³ *Ibid*, page 284.

who hardly suffer from them at all. They are likely to be less considerate because they know that, out of a revenue over which they have no control, atleast £20,000,000 a year is withdrawn from their country to be spent in England, partly in the shape of interest on serviceable loans, but largely in incomes, pensions, and other more questionable forms ; while, even against the judgment of the highest Anglo-Indian authorities themselves, the greatest Indian industry is kept depressed by the countervailing excise of $3\frac{1}{2}$ per cent. imposed by the Cotton Duties Act of 1896 on cotton made and sold in India, simply for the benefit of our Lancashire Mills."¹ Indeed, the sufferings caused by natural calamities were attributed by the people chiefly to the anti-national economic policy followed by the Government which greatly intensified discontent and bitterness and hatred towards the foreign rulers.

VII.

One of the most important causes of creating and intensifying hatred of British rule in the minds of the people in India is the anti-national economic policy followed by the British Government. I have described in previous chapters some of the important incidents illustrating this policy in the earlier periods. During the period 1892-1909 the effects of this policy are studied in great detail by men like Dadabhai Naroji, Romesh Chandra Dutt, Sir William Digby and are offered to the public in large volumes. Vernacular papers and the Indian edited English press and the leaders of the people spread the results of the economic researches of Naroji, Dutt, Digby, Ranade, Wacha and others among the masses. And the people had begun to realise, as they had never done before, the economic effects of foreign rule. Anglo-Indian writers, like Sir Theodore Morrison, tried their best to counteract the Indian propaganda by the publication of such books as "The Economic Transition in India" but without much effect. In any case, it is not possible to exaggerate the effects

¹ Nevinson : The New Spirit in India, pages 324 & 325.

of the belief that Indian poverty was largely due to foreign rule and especially to its anti-national economic policy in undermining faith in the sense of justice and fairplay of the British and in creating anti-British feeling during the period under review. To mention a few instances of the anti-Indian Government policy I may begin with the exclusion of Indians from higher posts¹ in the government of the country.

In a previous chapter I have shown how this policy was persistently carried out by the British Government in spite of the promises contained in Queen Victoria's famous Proclamation. This policy of exclusion was not only followed by Lord Curzon but was also justified by him in a particularly offensive manner. Speaking on the Budget proposals of 1904, he asserted: "The highest ranks of civil employment in India must as a general rule be held by Englishmen, for the reason that they possess, partly by heredity, partly by upbringing, partly by education, the knowledge of the principles of government, the habits of mind, the vigour of character, which are essential for the task, and that, the rule of India being a British rule, and every other rule being under the circumstances of the case impossible, the tone and standard should be set by those who have created and are responsible for it." This was adding not only insult to injury but was throwing a challenge to the people of the land. Is it a wonder then that some of the educated Indians took up the challenge and started anti-British activities?

However, the act that gave the rudest shock to the people in this connection was the imposition of the "countervailing" excise duty of $3\frac{1}{2}\%$ on Indian manufactured goods sold in the country. I have described the previous history of the Cotton Duties and of the controversy over them between Lancashire and India in an earlier chapter.³ As stated there, the contro-

¹ Detailed figures are given by Subramania Iyer in his article "Employment of Indians in the Public Services: Fiction and facts" in the Hindustan Review of August 1904. Also see page 66 Moral and Material Progress Report, 1911-12.

² Quoted by Nevinnson in New Spirit in India, pages 5 & 6.

³ See pages 153 to 157. *supra*.

versy was settled for the time being in 1882 by the abolition of all import duties. But, as the financial situation of the Government of India again became unfavourable the Finance Member was forced to consider the question of reimposing import duties. In 1894 the deficit had increased to 3½ crores and Sir James Westland proposed the levying of general import duties at the rate of 5 per cent. The Secretary of State, however, modified the proposal, although six members of the India Council wrote minutes of dissent,¹ by omitting cotton yarn and cotton goods from the list of dutiable goods. This exclusion of cotton goods was strongly opposed in the Indian Legislative Council by both Indian and English members. Mr. Playfair summed up "the unanimous opinion of India" when he said: "It is impossible to deny that there is a growing feeling in this country that India's interests are being subordinated to Lombard Street on the one hand and Manchester on the other . . ."¹ But the Government was powerless and the Bill was passed in the form in which it was originally introduced.

Strong agitation in the country followed the exclusion of imported cotton goods from the new tariff schedule, and the Secretary of State tried to cut the gordian knot by proposing the levy of countervailing excise duties on those classes of Indian made cottons that competed with imported cotton goods.² As a result of this two bills were introduced in the Indian Legislative Council in December 1894 with the object of levying an import duty of 5 per cent. on all cotton goods and a countervailing excise duty of 5 per cent. on Indian made yarn of Counts above 20. There was strong opposition both inside and outside the Council but the Finance Member pleaded his helplessness and the necessity of obeying superior orders and the Bills became law. But even this did not satisfy Lancashire. A debate was held in the House of Commons and a deputation waited upon the Secretary of State from

¹ Bannerjee : Fiscal Policy in India, page 90.

² See the Despatch of the Secretary of State for India, dated May 31st, 1894.

Lancashire, as a result of which two new Bills were introduced in the Viceroy's Council. Writes Professor Bannerjee : ". . . in February 1896, two Bills were passed in the teeth of non-official opposition both in and outside the Council, by which a direct excise duty of $3\frac{1}{2}$ per cent. was levied on all cotton piece-goods woven by the Indian mills, the import duty of 5 per cent. was reduced to $3\frac{1}{2}$ per cent. and all duty on yarn, whether imported or manufactured, was abandoned."¹ As was pointed out by Sir James Peile and Sir Alexander Arbuthnot—who protested in the India Council against these indefensible Acts—the excise duty was not really countervailing as "the Indian mill cloth co-existed, but did not compete, with the Lancashire fine goods."¹ The situation remained the same till after the outbreak of the War. The levying of the excise duty on all Indian manufactured cotton goods was strongly resented in India and the agitation against it continued till the duty was repealed under the new circumstances resulting from the Great War. In the meantime Indian interests suffered. Indian trade was still further handicapped by the management of Indian currency and exchange in the interests of England and there was strong resentment and discontent on this account among the mercantile classes in India. It was recommended by the Fowler Committee in 1898 that the Indian mints should be thrown open to the unrestricted coinage of gold and that gradually India should be given a gold standard with gold currency. But the Government did not carry out these recommendations although they were accepted by them at the time. Moreover, instead of holding the Gold Standard Reserve in gold—which could be used in times of emergency as occurred in 1907—it was invested in British securities, which, as was found in 1907, could not be liquidated in times of crisis. Indian criticisms against the currency policy of the Government are summed up by the writer of the article on the subject in the Indian Year Book as follows : "These criticisms were chiefly directed at the investment of the Gold Standard Reserve in securities instead

¹ Bannerjee : Fiscal Policy in India, page 96.

of keeping it in gold in India ; at a raid on that reserve in order temporarily to relieve the Government of the difficulty of financing its railway expenditure ; at the transfer of a solid block of the Paper Currency Reserve from India to London ; at the holding of a portion of the Gold Standard Reserve in silver . . . ; and at the unlimited sales of Council Bills at rates which prevented the free flow of gold to India, thus forcing token rupees into circulation in quantities in excess of the requirements of the country. The cumulative effect of this policy was to transfer from India to London an immense block of India's resources, aggregating over seventy millions, where they were lent out at a low rate of interest to the London Bankers, whilst India was starved of money until at one point money was not available for loans even against Government securities and the Bank rate was artificially high."¹ There was naturally strong resentment in India and the Indian mercantile community lost all confidence in the Government of the country.

Similarly there was discontent in the land against the land revenue policy of the Government of India. It was felt that assessments were too frequent and heavy and the whole system was inelastic and oppressive. It caused special hardships in lean years and more particularly in years of famine in spite of provisions for remissions. It was felt that a great deal of the indebtedness of the rural classes was also due to the working of the land revenue system. In any case, there was a strong feeling in the country that the whole economic policy of the Government was anti-national and that the appalling Indian poverty was largely due to it. This belief was responsible to a considerable extent for creating anti-Government feeling among the people.

VIII.

The anti-British feeling was greatly strengthened in India by the arrogant and insolent behaviour of Englishmen and Anglo-Indians and by the attitude and propaganda of the

¹ Indian Year Book, 1931, page 860.

Anglo-Indian newspapers. The increase of racial bitterness and hatred in the present century is largely due to this factor. Some instances of the insolent behaviour of the ruling race have been mentioned in a previous chapter ;¹ and a few more will be given presently. But it must be acknowledged here that Lord Curzon with rare courage and with a strong sense of justice² and unmindful of unpopularity among men of his own race in the country took up the cause of the ill-treated Indians and tried to prevent the miscarriage of justice in cases of racial conflict. Soon after his arrival in India an outrage occurred of a peculiarly revolting nature in Rangoon where several soldiers of a British battalion "outraged a native woman to death." Writes Lord Ronaldshay : "Not only was punishment not meted out, but the military authorities on the spot showed a culpable disposition to hush the whole matter up, and were seconded in their attempt by the apathy of local civil officials."³ When eventually prosecution was launched it broke down on a technical point.⁴ But Lord Curzon was bent upon vindicating the honour of Britain and took rigorous action in consultation with the Commander-in-Chief. "The culprits were dismissed from the army ; high military officers were severely censured, and in certain cases relieved of their commands ; the regiment was banished for two years to Aden, where all leaves and indulgences were stopped ; the civil officials were severely censured, and, finally . . . an Order-in-Council was issued"⁵ expressing sense of horror and repugnance of the Government and its reprobation of "the negligence and apathy that were displayed in responsible quarters."⁵ Similarly Lord Curzon was greatly perturbed "at the steadily mounting number of affrays which he found recorded in the files of the Home Department, due in great measure to carelessness on the part of soldiers when out

¹ See pages 186 & 187. *supra*.

² It has been called "quixotic", as it was limited only to such racial cases but did not extend to other spheres of administration.

³ Ronaldshay : The Life of Lord Curzon, Vol. II, page 71.

⁴ The members of the battalion refused to give the names of the perpetrators of the crime.

⁵ Ronaldshay : The Life of Lord Curzon, Vol. II, page 72.

shooting." And he was still further shocked at the way Englishmen and Anglo-Indian newspapers looked at such cases, and the manner in which the courts failed to mete out justice to the culprits. "I do not know what you think of these cases," wrote Lord Curzon, when reporting to the Secretary of State a particularly bad example of acquittal where culpable negligence had resulted in the death of two persons. "They eat into my very soul."² Another case which may be mentioned here was the beating of an Indian cook to death "for having refused to procure a native woman for them" by two troopers of a famous cavalry regiment, the 9th Lancers, at Sialkot, in 1902. No action was taken and when Lord Curzon heard of the occurrence he ordered an investigation into the affair as a result of which some disciplinary action was taken.

As was pointed out by Lord Curzon, Sir Henry Cotton and Mr. Nevinson, the most revolting thing in these cases of racial conflicts was not so much the perpetration of crimes and murders but the failure to deal out adequate punishments to the culprits and the encouragement given by the Englishmen and Anglo-Indian newspapers to such criminal actions. The effects of these outrages upon the Indian mind can be easily imagined. The people of the land had become convinced that it was no use expecting any justice in such cases and the only thing they could do was to fret and fume over them. This utter helplessness led some of the more determined and sensitive spirits to thoughts of revenge through revolutionary crime.

The part that Anglo-Indian journals have played in creating racial bitterness and hatred is an important one. Englishmen generally complain of the "strong language" and the "seditious" tone of the Indian, more particularly, vernacular newspapers; "but", writes Mr. Nevinson, "in none of them have I seen deliberate attempts to stir up race hatred and incite to violence than in Anglo-Indian papers which suffer

¹ Ronaldshay: The Life of Lord Curzon, Vol. II, page 244.

² *Ibid*, page 246.

nothing."¹ At the time of 1907 agitation in the Punjab, the *Civil & Military Gazette* distinguished itself particularly by the abuse of educated Indians. "They were spoken of as "babbling B.A's", "Base-born B.A's", "an unhonoured nobility of the School", "Serfs", "beggars on horseback", "servile classes", "a class that carries a stigma", and so on.² And when this was brought to the notice of the Punjab Government, the Lieutenant-Governor, "regretted the tone of the articles but refused to prosecute."³ This was at a time, as w^his pointed out by Mr. Gokhale, when a number of Indian e^litors were rotting in jails for similar, and, in some cases, for much lighter offences. In supporting his contention that Anglo-Indian papers were in reality the worst offenders Mr. Nevinson gave some instances. It is not necessary to reproduce them here ; it is sufficient to give one short quotation. When the attempt to shoot the unpopular magistrate, Mr. Kingsford, was miscarried and resulted in the death of two innocent English ladies, the *Asian* of Calcutta wrote :—"Mr. Kingsford has a great opportunity, and we hope he is a fairly decent shot at short range. We recommend to his notice a Mauser pistol, chief. We hope Mr. Kingsford will manage to secure a big 'ary', and we envy him his opportunity. He will be more than justified in letting daylight into every strange native approaching his house or his person, and for his own sake we trust he will learn to shoot fairly straight without taking his weapon out of his coat pocket."⁴ But no action was taken against the paper.

Such writings by the Anglo-Indian papers without suffering any penalties prescribed by the law produced great bitterness and hatred in the minds of the people and led some to commit acts of violence. Indians were also deeply hurt by remarks against oriental character from still higher quarters. Addressing the Convocation of the Calcutta University, on February 11, 1905, Lord Curzon delivered a homily on the truthfulness of the West and the craftiness and wile of the East. He said :

¹ Nevinson : The New Spirit in India, page 229.

² *Ibid*, page 17.

³ *Ibid*, page 18.

⁴ *Ibid*, page 229.

".....undoubtedly truth took a high place in the moral codes of the West before it had been similarly honoured in the East, where craftiness and diplomatic wile have always been held in much repute." And he went on to prove by referring to the "tortuous and hypersubtle" Oriental diplomacy and the praise of "successful deception practised with honest men" found in Indian epics. He also warned Bengalis against their eloquence. "All I say to you is, do not presume on this talent." And he ended by denying that there was such a thing as "any Indian Nation." Whatever unity the people of India possessed was due to their being members of the British Empire. This speech of Lord Curzon aroused a storm of resentment in the country. Retorts were published in the Indian Press. Indignation meetings were held in the country. And the sentiments expressed by the Viceroy turned many a Bengali youth into an extremist.

IX.

Indian self-respect was still further wounded by the ill-treatment of Indians in the British Colonies, especially in Transvaal and Natal. Mr. Gokhale stated in the Imperial Legislative Council:—"I think I am stating the plain truth when I say that no single question of our time has evoked more bitter feelings throughout India . . . than the continued ill-treatment of Indians in South Africa."¹ Even Sir Valentine Chirol has borne testimony to the unanimity and intensity of Indian feelings on this subject in his book "Indian Unrest."² And it must be remembered that it was against the insulting and revolting treatment in South Africa that Mahatma Gandhi first started the passive resistance—*Satyagraha*—movement which has now become such a powerful weapon in the hands of Indians.

Indians had emigrated to Natal and other South African colonies in large numbers in the 19th Century. In Natal majority of them were brought by the colonists themselves

¹ Quoted by Chirol : Indian Unrest, page 280.

² *Ibid*, pages 280 to 287.

as cheap labour on an indentured system. Indian merchants had followed in their wake and both had attained "to a certain degree of prosperity by their thrift, industry and sobriety."¹ But they were treated by the Colonists and the Natal Government as social outcasts. In 1894 they were disenfranchised. In 1897 a poll-tax was imposed on them. There were other disabling acts passed against them. In the Transvaal Republic their position was still worse. They could only live in prescribed "locations" outside the towns—where they had "to reside . . . amongst dung-heaps."² In some of the colonies "they might not walk on foot-paths, nor travel in first or second class railway carriages, nor possess native gold, nor be out after 9 p.m., nor travel without passess."³ As a matter of fact the conditions imposed upon Indians especially in the Boer colonies were so humiliating and irksome that they were included among the causes for quarrel with the Boer Republic by the British Prime Minister, who on one occasion said that "these insults to our Indian fellow-subjects made his blood boil."³ The War came in 1899 and lasted till 1902. Indians naturally expected that after the War—when the Colonies become British—things would be better. They had stood loyal to the British during the War and Mr. Gandhi had organised Ambulance Corps from the Indian residents which did valuable work—rescuing the son of Lord Roberts from under heavy shell-fire. The Government of India had also sent troops and otherwise rendered valuable help in the Boer War. Again at the time of the Zulu War, Mr. Gandhi had organised ambulance detachments and helped the Government in quelling the rebellion. But in spite of loyal co-operation things did not improve for Indians. They began to go from bad to worse. Transvaal, which became self-governing in 1906, passed the Asiatic Registration Act on March 21st 1907, requiring Indians to be registered by means of finger-prints, as if they belonged

¹ Kohn : A History of Nationalism in the East, page 399.

² Besant : How India wrought for Freedom, page 280.

³ Thompson : The Reconstruction of India, page 76.

to the criminal tribes. They refused to submit themselves to such insulting treatment and under the leadership of Mr. Gandhi started "*Satyagraha*".

Mr. Gandhi had originally gone to South Africa in 1893 in a law suit but finding that the condition of Indians in Natal was critical he resolved to settle there and help his compatriots. He organised his countrymen in South Africa and began his life of service, self-sacrifice, and purity there. He founded the Phoenix Settlement near Durban, "where the settlers were to follow his ideal of the simple life close to nature, and find an *Ashram*, a house of sanctity and peace."¹ There he evolved the doctrine of passive resistance—of suffering fearlessly to contend against injustice, servitude and tyranny—for the sake of truth. He was convinced that if it was followed generally it would overcome the ever-expanding militarism. And he launched his movement in 1907 against the insulting decree of the Transvaal Government. "They refused to be registered, and thousands of Indians, including Gandhi himself, underwent terms of imprisonment. The struggle lasted for years and undermined the whole economic and civic life of the Indians."²

The situation in South Africa created a stir in India. There was admiration of the heroic stand that Mr. Gandhi and his followers were making in South Africa. There was great enthusiasm in the country. Meetings were held in different parts of the country. Public subscriptions were raised for the help of the "*Satyagrahis*." On the other hand there was indignation at the insulting treatment meted out by the colonists to Indians. It created feelings of bitterness and resentment against the British Government. As was pointed out by Sir Valentine Chirol in "*Indian Unrest*", Indians could not understand the difference between the British Government and the Government of the Colonies. They held the Government in England responsible for Indian misfortunes and sufferings in South Africa. In

¹ Kohn : History of Nationalism in the East, page 400.

² *Ibid*, page 401.

their own case the British Government was all-powerful. How could it be that things were different in the other British Colonies? And consequently the people in India put the whole blame on the British Government and anti-British feelings rose very high in the country.

X.

Important as these causes no doubt were, as has been stated in the foregoing sections, there were still more important factors that were making for a new life in the country. As a result of the work of the schools and colleges ; of the agitation that was being carried on for several decades now by the Indian Press¹ and the Indian National Congress ; of the influence that was being exerted by the powerful religious personalities like those of Swami Dayanand, Swami Vivekanand and Mrs. Annie Besant ; and the work that was being done by the various religious associations like the Arya Samaj, Rama Krishna Mission, Theosophical Society, and Servants of India Society² etc., a new life was arising in the country. As a matter of fact India was then witnessing a many-sided renaissance : Indian Schools of Art were coming into existence. Indian languages were being enriched by novelists like Bankim Chandra Chatterjee and poets and seers like Rabindranath Tagore.³ Boundaries of knowledge were being extended by the researches of men like Tilak and Bhandarkar. There was revival of Indian music and of ancient learning and culture. And above all there was a new sense of pride and glory in the achievements of their forefathers, especially in the spheres of philosophy and religion. A new interest was noticeable in Indian religions everywhere. This created a revulsion of

¹ For the work of the Press, see pages 180 & 181 *supra*.

² Among the societies that worked in India during this period was "the Servant of India Society" founded by Mr. Gokhale. Its chief object was to train Political Missionaries who would "devote their lives to the cause of the country in a religious spirit, and to promote, by all constitutional means, the national interests of the people." Its numbers form a sort of monastic order, live simply on a small monthly allowance, and in a spirit of devotion and self-sacrifice devote their lives to social, educational and national work.

³ For the awakening brought about by vernacular literature, see page 182 *supra*.

feelings against things Western—against English dress, English education, English thought, English ways of living. It gave rise to love of things Indian and the Indian methods of living and thought in the country. There was a new sense of patriotism and nationalism abroad. And it must be remembered that this nationalism was born of religion. The Indian national movement in 1905 was inspired by religious revival especially in Bengal and in the Punjab—and the leaders of the movement in all parts of the country were deeply religious men—Tilak in Maharashtra, Arabindo Ghose and Bipin Chandra Pal in Bengal and Lala Lajpat Rai in the Punjab. The mainspring of action in these men and also in the leaders of the revolutionary school like Barindra Ghose, was religion. Among all the leaders of the period the person who typified the spirit of the time was Arabindo Ghose—who shot into the political firmament and also disappeared from it like a rocket. Brought and bred up in England from his very childhood, to the extent that he could hardly speak his mother tongue when he returned to India, he felt the call of the country while he was acting as the Vice-Principal of the Baroda College. He gave up his lucrative appointment and returned to Bengal to devote his life to the work of national regeneration. To him nationalism was “far more than a political object or a means of material improvement. To him it was surrounded by a mist of glory, the halo that mediæval saints beheld gleaming round the head of martyrs.”¹ In an address delivered in Bombay early in 1908 Mr. Arabindo Ghose declared:—“Nationalism is a religion that comes from God. Nationalism cannot die, because it is God who is working in Bengal. God cannot be killed. God cannot be sent to gaol. Have you got a real faith, or is it merely a political inspiration, a larger kind of selfishness? It is not by any mere political programme, not by national education alone, not by swadeshi, not by boycott, that this country can be saved. Swadeshi by itself might merely lead to a little more material prosperity, and you might forget the

¹ Nevins : The New Spirit in India, page 226.

real thing you sought to do in the glamour of wealth and in the desire to keep it safe. In other subject countries also there was material development. . . . When the hour of trial came, it was found that those nations which had been developing materially were not alive. . . . The forces of the country are other than visible forces. There is only one force, and for that force I am not necessary, you are not necessary, he is not necessary. Let us be thrown aside as so much waste substance, the country will not suffer. God is doing everything. When He throws us away, He does so because we are no longer required. But He is immortal in the hearts of His people."¹ This was the keynote of Indian Nationalism of 1905-09. And it is for this reason that I have called it Religious Nationalism.

XI.

The last factor that was responsible for giving rise to the new movement in 1905 was the discontent which younger men in the Congress began to feel against the method of political mendicancy. This gave rise eventually to the split between the "Moderates" and the "Extremists" in 1907. Mr. Gokhale himself, the acknowledged leader of the Moderates, openly confessed:—"During the last three years of Lord Curzon's time we were kept in a state of perpetual irritation. Then came our high hopes from the Liberal Party, and our violent disappointment. The worst of all is that many people are beginning to lose faith in English integrity and sense of justice—the two main qualities that could be used for the maintenance of your power. It is a new thing, but our young men are beginning to ask what is the good of constitutional agitation if it only results in insult and the Partition of Bengal?" And he added: "That is how Extremists are created. There are two schools of them now, one here in Poona, the other in Bengal itself, and Anglo-Indians are always calling upon us to denounce them. But we are not likely to denounce a section of our own people in face of the Bureaucracy. For

¹ Nevinson : *The New Spirit in India*, page 226.

after all, they have in view the same great object as ourselves."¹ Indeed, as far as the object was concerned there was not much difference between the Moderates and the Extremists in the Congress as was explained by Mr. Tilak, the leader of the Extremists, to Mr. Nevinson. Said Mr. Tilak :—"It is not by our purpose, but by our methods only that our party has earned the name of Extremist. Certainly, there is a very small party which talks about abolishing the British Rule at once and completely. That does not concern us ; it is much too far in the future." He then went on enunciating the ideal of colonial self-government which too he regarded as far ahead—"perhaps generations ahead". The immediate object was to bring pressure on the bureaucracy—which was "despotic, alien, and absentee"; "to make it feel that all was not well." "The immediate question for us," he continued "is how we are to bring pressure on this bureaucracy, in which we have no effective representation, but are debarred from all except subordinate positions. It is only in our answer to this question that we differ from the so-called Moderates. They still hope to influence public opinion in England by sending deputations, supporting a newspaper, and pleading the justice of our cause. Both parties, of course, have long ago given up all hope of influencing Anglo-Indian opinion out here. But even in England we find most people ignorant and indifferent about India, and the influence of retired Anglo-Indians at home is perpetually against us Under these disappointments we Extremists have determined on other methods. It is a matter of temperament, and the younger men are with us. Our motto is "self-reliance, not mendicancy."²

Explaining the objects of the New Party at Calcutta early in 1907 Mr. Tilak put the matter even more clearly and pointedly. He pointed out that both the parties wanted the same thing—self government for India. "The present system

¹ Interview with Mr. Nevinson. See Nevinson, *The New Spirit in India*, pages 43 & 44.

² *Ibid*, pages 72 to 74.

of administration", said he, "was ruinous to the country, both materially and morally" and it "must be mended or ended as soon as possible". "The new Party's conclusion was that it was impossible to gain any concessions by petitions and prayers. This was the first difference between the Moderates and Progressive Parties. He did not believe in the philanthropy of British politics. There was no instance in history of one foreign nation ruling another for the benefit of the other and not for its own profit. The rule of one nation by another was in itself unnatural. He granted the efficiency of the British Government and the excellence of its methods for its own purpose, but these methods and that efficiency did not work for the interests of the people of the country. A good foreign government was less desirable than an inferior native government."¹

That indeed was the essential difference between the Moderates and the Extremists. The new Nationalists regarded foreign rule in itself an evil and they believed only in self-reliant independent action and not in the philanthropy and generosity of the British. They chalked out their own programme—consisting of the boycott of foreign goods and British institutions and of *Swadeshi* and the establishment of National institutions. They tried to bring pressure on the bureaucracy and the British Government to yield to their demands. To what extent they were successful in this effort will be described in the next three chapters.

¹ Speech delivered at Calcutta on January 2nd, 1907.

CHAPTER XVI.

THE INDIAN NATIONAL MOVEMENT : CONSTITUTIONAL & REVOLUTIONARY.

I.

In an earlier Chapter¹ I have discussed the causes that led to the rise of the Indian National Movement and the foundation of the Indian National Congress. In another Chapter² I have described the work which the Indian National Congress did in the first few years of its existence and how the attitude of the Government changed towards it from that of sympathetic encouragement to one of opposition and ridicule. In the same Chapter I have also shown how the Congress agitation led to the passing of the Indian Councils Act, 1892.

The Indian National Congress was not satisfied with the instalment of reforms enacted by the Act of 1892. At the Session of 1893 expression was given to the dissatisfaction of the Congress especially on four points: The system of election that was introduced was a round about one; the right of asking questions and of discussing the budget were not followed by the right to ask supplementary questions or to vote upon the budget and the discussion itself on the budget was most hurried and inadequate; "the Punjab, one of the most important provinces in the Empire," was "still denied the right to be represented either in the Viceroy's or in any local Council"³; and the rules that were framed under the Act were unsatisfactory as they deprived certain interests of representation altogether and gave other interests undue representation. Seconding the resolution on the question of

¹ See chapter X.

² See chapter XI.

³ Mrs. Besant: *How India Wrought for Freedom*, page 177. Resolution No. 1 of the Congress of 1893.

representation in the Congress of 1893, Mr. Gokhale said: "Gentlemen, in regard to these rules I will not say that they have been deliberately so framed as to defeat the object of the Act of 1892, but I will say this, that if the officer who drafted them had been asked to sit down with the deliberate purpose of framing a scheme to defeat that object, he could not have done better."¹ Mr. Gokhale no doubt was speaking about the rules of election to the Bombay Council but the same was true in the case of the rules framed for other provincial councils as well, as was testified by the representatives from those Provinces.² In framing the rules the provincial governments had taken care to see that the persons chosen should be as far as possible not independent men but those who could be easily influenced. To give an instance: Out of six seats in the case of Bombay, two were allotted to the European mercantile community—one to the Bombay European Chamber of Commerce and the other to the Karachi European Chamber of Commerce. The Indian mercantile community was given no representation whatsoever. Out of the remaining four seats the Sardars of the Deccan were given one and the Zamindars of Sindh another—"land-holders much under the thumb of the Government."¹ Thus while Sindh was given two representatives "the Central Division of the Presidency, containing Poona and Satara, had none. Four seats out of the six were thus secured for the Government."¹ It was felt by the Congress that these rules would defeat their real object and the spirit of the Act of 1892, and it, therefore, asked for material alterations to be made therein.

It is true that men like Sir Pheroze Shah Mehta and Mr. G. K. Gokhale found their way to the Imperial Legislative Council and Sir Surendra Nath Bannerjee was elected to the Bengal Legislative Council. Mr. Tilak was also a member of the Bombay Legislative Council for a short time. But otherwise the personnel of the Councils was not satisfactory. The

¹ Mrs. Besant: *How India Wrought for Freedom*, page 166.

² *Ibid*, pages 166 and 167.

number of non-official members was very small.¹ Moreover the functions and powers of the Councils were very limited. Under such circumstances the Councils did not provide much scope for useful work of national uplift—that work was done from the platform of other associations, political, religious, social, etc., and through the Indian Press.

II.

The Indian National Congress continued its work chiefly by holding annual sessions in the different parts of the country and occasionally by sending deputations to England and also by financing a weekly newspaper in London. Every year at the end of December educated Indians interested in politics and in the building up of an Indian Nationality met in an important town of each province by turns and discussed the various questions of national concern, especially relating to administration, education and economics and gave expression to their views on them in a moderate, reasoned and loyal manner, in the shape of resolutions. Among the subjects so dealt with by the Congress during the period 1892-1907, the following were mentioned by Mr. A. C. Mazumdar:—"the reform and the expansion of the Legislative Councils, the separation of judicial and executive functions, simultaneous examinations for the Indian Civil Service, the reduction of Military Expenditure and a fair adjustment of accounts between the Indian and the British Exchequers, the larger employment of the children of the soil in the Public Services and the

¹ The following table gives the strength of the various Councils and the proportion of official and non-official members:—

Legislative Council of	Official members	'Elected' i.e., nominated on recommendation	Nominated members.	Total membership.
India	14	5	5	24
Madras	12	7	4	23
Bombay	12	8	3	23
Bengal	10	7	3	20
United Provinces	7	6	2	15
Eastern Bengal & Assam	7	6	2	15

maintenance of strict economy in the most costly, if not the most extravagant administration in the world, the reform of the Executive Councils of the Governor-General and of the Secretary of State by the admission of qualified natives of India into them, the position of Indians in the Colonies of Great Britain, the expansion and improvement of Education in all its branches, and the economic development of the country as a means to prevent periodical visitations of famine, and a fair reduction of the heaviest of taxations upon the poorest of the people in the world'¹

It is true that the resolutions of the Congress did not have much effect on the policy of the Government and this failure of the Congress led to the creation of a New Party in it which had eventually to separate from it in 1907 ; but they helped to create and educate public opinion in the country. The resolutions of the Congress and the speeches of the leaders delivered thereon were reproduced in the Indian Press and were discussed in it. They were read and discussed by thousands of Indians in the different provinces and they could not but influence their minds and hearts. In spite of its lack of influence on the Government and the growing discontent with its methods among the younger men in the country the Indian National Congress possessed great prestige and occupied an important place in the minds of the people, and it continued to give expression to what may be termed the national and progressive views in the country throughout almost the whole of this period.

III.

The year 1905 is important in the history of the National Movement in India: not only was the Partition Agitation started in 1905 but it was also in that year that the standard of revolt was raised in the Congress by the younger men under the triple leadership of "Bal-Lal-Pal"—of Bal Gangadhar Tilak, Lajpat Rai and Bipin Chandra Pal, the leaders of young

¹ Mazumdar: Indian National Evolution, pages 93 & 94.

India in the three provinces where the fire of discontent was mainly smouldering at the time.

The unpopular legislation of 1904 and the reactionary policy of Lord Curzon made the session of 1904 of considerable interest. There was a strong feeling of irritation and resentment. Resolutions of protest were passed "against the officialization of the universities and, the newly hatched scheme of the Partition of Bengal."¹ And a deputation, under the leadership of the President of the year, Sir Henry Cotton, was appointed to wait upon the Viceroy with the resolutions of the Congress of 1904. But Lord Curzon refused to receive Sir Henry Cotton and the Congress deputation and characterised Congress activities as the mere letting off of "gas". This naturally annoyed the Congress leaders and they decided to send a Congress deputation to England consisting of Messrs. Gokhale and Lajpat Rai to place the Indian grievances before the British public.

The old Congressmen, though in the course of twenty years had lost faith in the goodness and the sense of justice of the British Bureaucracy in India, still cherished a strong faith in the inherent soundness and the sense of justice of English Statesmen and of the British public. And from the very beginning they had attached great value to Congress work in England and the necessity of informing and influencing British public opinion. In the year 1889 the British Committee of the Congress was established in London and Rs. 45,000 was voted by the Congress of 1889 for its maintenance. In 1893 a British Parliamentary Committee was organised to interest members of Parliament in Indian affairs and to press the cause of India in the House of Commons. The British Parliamentary Committee was usually active in the time of liberal ministries but became moribund when the conservatives were in office. The Indian National Congress started a weekly journal "India" in London to furnish correct information on Indian questions to British M.P.'s and the British Public. It

¹ Mazumdar : Indian National Evolution, page 90.

was first edited by Mr. William Digby and later by Mr. H. E. A. Cotton. It was read by very few people and could not have exercised any influence on the course of British public opinion. It may have kept informed a few members of the Parliament interested in Indian questions. The Indian National Congress also sent deputations of leading Indians to England to educate and influence British public opinion. The first deputation that went to England was in 1885, just before the birth of the Congress, under the auspices of the Indian National Union, a sort of "advance guard of the Congress mission." It may also be mentioned again that before the Congress was actually launched into existence in 1885 Mr. Hume had gone to England to prepare British public opinion. But the first deputation that the Congress itself sent was appointed in 1889. It was as a result of the work of the two members of the deputation that the British Congress Committee was established—and it may also be recorded that the eloquent speeches of one other member of the deputation, Mr. S. N. Bannerjee, as he then was, created a profound impression on the public mind at the time. Another deputation was appointed by the Congress in 1890. And, as I have already stated above, when the Congress felt slighted and insulted at the rude behaviour of Lord Curzon, it again appointed a deputation to go to England.

Mr. Gokhale and Mr. Lajpat Rai went to England in 1905 and toured over the country, meeting persons, forming friendships, and addressing public meetings. But they returned to India disillusioned. At any rate "one of them on his return (Lala Lajpat Rai) struck an unmistakable note of despondency. He frankly told his people that the British democracy was too busy with its own affairs to do anything for them, that the British press was not willing to champion Indian aspirations, that it was hard to get a hearing in England, and that the influence and the credit of the Anglo-Indians was too strong to be met successfully by the necessarily inadequate agitation which the Congress could

set up in England.”¹ And he told his people that if they were anxious to win freedom they will have to depend on themselves alone.

The message of Lala Lajpat Rai struck a responsive chord in the hearts of young India assembled at the Congress Session at Benares in December 1905. The Partition of Bengal had by then become an accomplished fact and the *swadeshi* and the *boycott* movements had already begun in Bengal. Mr. Gokhale was the President that year and he delivered an inspiring and inspiriting address, though couched in sober and moderate language ; and he approved of the boycott as a political weapon. But the attitude of the older men in the Congress was timid and halting ; and it was feared that there may be a split in its ranks. There was a strong difference of opinion over the first resolution in the Subjects Committee. The Bengal delegates strongly opposed the sending of a message of welcome to their Royal Highnesses the Prince and Princess of Wales (the present King and Queen of England) and threatened opposition in the open Congress. Ultimately after prolonged negotiations, on the persuasion of the Maharashtra and the Punjab leaders, the younger men from Bengal were induced to absent themselves from the meeting when the resolution of welcome was passed. There were also acute differences in the Subjects Committee on the resolutions in regard to *Swadeshi*, *Boycott*, and *National Education*. But compromise was reached and the split avoided by the concession of “the principles for which the Nationalists stood.”¹ But perhaps more important than this victory of new nationalism in the Congress Subjects Committee was the holding of an open conference in the Congress camp, by the younger delegates to discuss their future programme. This may be described as the inaugural meeting of the New Party—the Nationalist or the Extremist Party. It was at this conference that Mr. Tilak expounded the idea of passive resistance and outlined the programme of national reconstruction which was adopted as its platform by the New Nationalist

¹ Lajpat Rai : *Young India*, pages 169 & 170.

School and put into practice in the movement that continued till 1909. In the meantime, however, the nationalists decided to remain in the Congress, which passed again, for the first time after the Act of 1892, a resolution demanding the further expansion and reform of the Supreme and Provincial Legislative Councils," the increasing association and "a large voice" for Indians "in the administration and control of the affairs of their country", the right to send "at least two members to the British House of Commons" to each Indian Province ; "the appointment of not less than three Indian gentlemen" to the India Council ; and "the appointment of two Indians as members of the Governor-General's Executive Council and of one Indian as a member of the Executive Council of Bombay and Madras."¹

The next Congress session was held at Calcutta in December 1906 over which Mr. Dadabhoi Naoroji, the Guard Old Man of India, was called upon to preside from England in his old age of 82 years—it is said by the biographer of Mr. Tilak—mainly to prevent Mr. Tilak from becoming President that year.² Mr. Khaparde had already addressed in July 1906 a circular letter to the leading Congressmen all over the country with the full approval of Mr. Tilak calling for a radical change in the policy of the Congress. From the date of this letter may be dated the origin of the British policy of rallying the Moderates—since then the Anglo-Indian papers changed their attitude towards the old Congressmen and began to pat them on the back and to warn them against the tactics of the extremists.

The Congress of 1906 marks another landmark in the history of the Indian National Movement ; because it was at this Congress that Dadabhai Naoroji proclaimed the ideal of *Swaraj* for the people of India. "The whole matter", said he, "can be comprised in one word, self-government, or *Swaraj*, like that of the United Kingdom or the Colonies."³

¹ Resolution No. II of the Congress of 1905. See Besant : *How India Wrought for Freedom*, pages 432 & 433.

² Athayle : *The Life of Lokmanya Tilak*, page 151.

³ Besant : *How India Wrought for Freedom*, page 445.

And it was no longer to be a distant goal—a beginning ought to be made at once. "Not only has the time fully arrived but had arrived long past."¹ And for all Indian ills he prescribed only one remedy. "Self-Government is the only and chief remedy . . . Be united, persevere, and achieve Self-Government, so that the millions now perishing by poverty, famine and plague, and the scores of millions that are starving on scanty subsistence may be saved, and India may once more occupy her proud position of yore among the greatest and civilised Nations of the West."² This made the *Englishman* of Calcutta exclaim, that the man who was "called upon to quench the flames of hatred towards the British Rule in India, had only used kerosine for that purpose."³

The Anglo-Indians had predicted the break up of the Congress in 1906 and there was a grave fear entertained by the Moderates that at least a split was inevitable. But the tact of Dadabhai and the force of public opinion, which took the Moderates very near the Extremists, no doubt much against their will, averted the catastrophe. The Nationalists had already decided upon their policy under the lead of Mr. Tilak and Mr. B. C. Pal upon the three important questions—*Swadeshi*, Boycott, and National Education—in a private meeting. They pressed their view-point strongly in the Subjects Committee and they carried the day. The resolutions that were passed on the three chief items of the nationalist programme were regarded as most satisfactory by the New Party. The Moderates felt that they really went too far and it was on their attempt to get them modified that in reality the Congress broke down next year at Surat. It is not necessary to enter into the controversy as to who was really responsible for the break-up of the Surat Congress—the two versions, that of the Moderates and that of the Extremists, are given respectively by Mr. Mazumdar in the Indian National

¹ Besant : *How India Wrought for Freedom*, page 445.

² *Ibid*, page 447.

³ Athayle : *The Life of Lokmanya Tilak*, page 159.

Evolution¹ and Mr. Athalye in the Life of Lokmanya Tilak;² and a version of an outsider who was present on the occasion may be read in the New Spirit in India by Mr. Nevinson³—as, in my opinion, the differences between the two wings were too vital to be settled by mere change of words; and because each party—one conscious of the strength of its own majority and the other believing in its future—was bent upon having things in its own way. Under these circumstances a split was inevitable. All negotiations failed and the Congress broke up amidst riotous and most regrettable scenes of disorder.⁴

At the meeting of the Congress which thus broke up on the 27th December 1907 over 1600 delegates were present—out of which, it appears, nearly 1,000 belonged to the Moderate Party. The leaders of the Party met privately and issued a notice to their followers signed by Rash Behri Ghosh, Pheroze Shah Mehta, Surendranath Bannerjee, G. K. Gokhale,

¹ See pages 99 to 114.

² See pages 162 to 190.

³ See pages 238 to 244.

⁴ On the first day, the 26th December, 1907, the Congress was adjourned by the Chairman of the Reception Committee when disorder broke out at the time of seconding the proposal for presidential election by Mr. S. N. Bannerjee. On the next day Mr. Tilak had given a notice of adjournment and had asked for time to be given to him to speak after the motion of the presidential election had been duly seconded and supported. But the Chairman without giving Mr. Tilak chance of speaking declared Dr. Rash Behari Ghosh elected—who took the vacated chair and began to read his presidential address. He had just finished the first sentence when he found Mr. Tilak standing on the platform asking for leave to make his motion of adjournment. This was ruled out of order both by the Chairman and the President. But Mr. Tilak refused to leave the platform and appealed to the delegates. Young Moderates sprang on both sides of him to pull him down by force and Mr. Gokhale threw out his both arms to protect Mr. Tilak, who stood with folded hands, unmoved and defiant, "calling on violence to do its worst." Suddenly a Mahratta shoe flew to the platform and hit Surendranath and Pheroze Shah Mehta and there rushed forth men, hissing with fury and brandishing long sticks and hitting any head they recognised as that of a Moderate. "The Indian ladies vanished. The platform leaders withdrew rapidly through a door at the back of the Pandal. Mr. Tilak was borne off by his followers." But in the Pandal raged a tumult and a bloody riot. Chairs flew as missiles, long sticks clashed and shattered; blood flowed from broken heads. Friends and foes were indistinguishable and received blows impartially. Ultimately the police entered and cleared the Pandal. "Within an hour, the vast Pandal, strewn with broken chairs, sticks and rags of raiments, stood empty as a banquet hall deserted." For a dramatic and vivid account, see pages 256 to 259, Nevinson: The New Spirit in India.

D. E. Wacha, Narendra Nath Sen, A. S. Desai, V. K. Iyer, T. N. Malvi and Madan Mohan Malaviya calling a convention on the next day of those delegates to the Congress who were agreed to work for the ideal of self-government in a constitutional and orderly manner.¹ The National Convention met on the 28th December, 1907 in the Pandal under police protection and about 900 persons were present. "The most significant point in the meeting was the presence of Lajpat Rai upon the platform, and his declaration that he would continue to fight under the old banner of the Congress"² The meeting was presided over by Dr. Ghosh and it was decided to continue the work of the Congress and to appoint a Committee, consisting of "over a hundred . . . leading congressmen", with Pheroze Shah Mehta, Gokhale and Wacha as secretaries, to draw up the Congress constitution. This Committee met at Allahabad on the 18th and 19th April and drew up a constitution for the Indian National Congress and a set of rules for the conduct of the meetings. The Congress "creed" was defined in Article I of the constitution and a written acceptance of the creed and "his willingness to abide by this constitution, and by the rules of the Congress hereto appended"² was required from each member and delegate to the Congress. On account of its importance Article I may be reproduced here in its entirety :—

*"Article I.—*The objects of the Indian National Congress are the attainment by the people of India of a system of government similar to that enjoyed by the self-governing members of the British Empire, and a participation by them in the rights and responsibilities of the Empire on equal terms with those members. These objects are to be achieved by constitutional means, by bringing about a steady reform of the existing system of administration, and by promoting national unity, fostering public spirit, and developing and organising

¹ The actual notice is printed in Mrs. Besant : *How India Wrought for Freedom*, pages 468 & 469.

² Nevins : *The New Spirit in India*, page 260.

the intellectual, moral, economic and industrial resources of the country.”¹

The resuscitated Congress met at Madras in December 1908 under the presidency of Dr. Ghosh, with 626 delegates, and carried on its work in a quiet, unostentatious way, according to its old traditions and following the old methods of constitutional agitation which have been summed up in the phrase “political mendicancy”.

IV.

In 1888, Mr. Hume, the Founder of the Indian National Congress had made an attempt to make the congress movement a real mass movement, by carrying on an extensive and an intensive propaganda among the masses, somewhat on the lines of the Anti-Corn-Law League. But, at that time, as was frankly confessed by Mr. Hume, there were no men who were prepared to take the risks attendant on such work. Gradually, however, such men appeared on the Indian horizon—men who were ready to suffer and go to gaol if need be, and to live dedicated lives for the uplift of the masses ; and they initiated popular movements in the different provinces. Among such men the first was Mr. Tilak, originally a local leader of the Maharashtra, but who became, after 1905, an all-India leader, respected and honoured by the people all over the country—the *Lokmanya*.

Mr. Tilak has been described by Sir Valentine Chirol as “one of the most dangerous pioneers of disaffection”² and “to be truly the Father of Indian Unrest”.³ And although one may resent the way in which Sir Valentine has stated the truth I do not think one can deny to-day that Mr. Tilak was out to destroy the foundations of foreign rule in India and to teach the people to do their duty by their Motherland. Call him the Prince of Patriots if you like or the Father of Indian Unrest if you will—they both mean the same thing in his case.

¹ Mazumdar : Indian National Evolution, Appendix I.

² Chirol : Indian Unrest, page 40.

³ *Ibid*, page 41.

Tilak was born with a burning love for his country and her people and his heart bled at the sight of so much suffering, misery, degradation, poverty and ignorance which he found prevailing in the country and he tried to relieve them to the best of his abilities. He hated still more the foreign, western outlook of the people and he did all he could to revive love for Hindu religion and things Indian. He was proud of the ancient glories of India and of the Indo-Aryans and he wanted to raise the status of India to new and undreamt of heights. He held foreign rule as in itself evil and was convinced that British rule was responsible to no small extent for India's sorry plight. In politics he was a believer in the adage—that the end justified the means ; and he considered all means fair for winning freedom for the country. He utilised all occasions for this purpose, and did not feel ashamed even to exploit them. He was a clever and an astute politician and a born journalist. He was a great fighter and a dangerous and determined opponent, who did not believe in giving any quarter to the vanquished. He knew the material on which he had to work and he made good use of this knowledge. He utilised the Hindu gods and heroes to instil a new life and a new spirit in the people. There are differences among Indians themselves as to whether he was right in starting anti-cow killing societies, or the celebrations of Ganpati festivals, or Hindu *Akharas* or *Lathi* clubs. But it must be acknowledged that they did infuse a new and a manly spirit in the Hindus of Maharashtra and made them brave, sturdy soldiers in the cause not only of Hindu religion and society but of the Motherland as well. These activities of Mr. Tilak may have increased the communal tension existing at the time, but there is also truth in the contention that a lasting understanding between the Hindus and the Moslems can only come when each recognises in the other the equality based upon strength. In any case Mr. Tilak was a believer in this view and he strained every nerve to make the Hindus strong and manly, courageous and fearless, who would not look to the police for protection but who would rely on the strength and skill of their own arms. His policy was self-reliance from the beginning

and he tried to teach it to the people through the platform and the press. He had planned out his path early in his life, and with a rare perseverance, sense of devotion and self-sacrifice, with cool courage and calm determination, unmindful of difficulties and sufferings he followed it unflinchingly. And though he suffered greatly—he was thrice in prison for his convictions, the last time for six long years—he succeeded to a very large extent in his mission and he won for himself the crown of martyrdom and of public esteem. And if India to-day is standing on the threshold of a new life and freedom it is due to no small extent to the *Lokmanya's* sufferings and labours.

V.

The first popular movement in India thus began in the Deccan. Poona was its centre and Tilak was its inspirer. And though Tilak himself never took part in the revolutionary movement, some of those who had received their first lessons from him or his writings later became revolutionaries ; and the credit or blame of starting the revolutionary or the terrorist movement in India also belongs to the people of Maharashtra.

The beginnings of new life in Maharashtra are associated with the celebrations of the Ganpati festival inaugurated by Mr. Tilak in 1893. The object was to utilise the religious instincts and beliefs of the people to infuse a spirit of manliness and patriotism in them. Volunteers were trained in the art of fencing with sticks. School and college boys were inspired to take part in the celebrations and to learn organised, disciplined action. These celebrations must also have infused a militant spirit among the Hindu youth ; and they afforded a good opportunity of doing political propaganda. Writes Mr. Athalye : "Lectures, processions, singing parties are the invariable accompaniment of the festival and they not only afford an outlet to the religious zeal of the people but help in fostering the national sentiment also and in creating an interest in the outstanding questions of the day."¹ These

¹ Athalye : The Life of Lokmanya Tilak, page 185.

celebrations became very popular with the masses and the youth of Maharashtra though they were looked upon with disfavour by the Government and by the Moderate leaders. There were sometimes clashes on the occasions of the festival with the Moslems and the police.

Satisfied with the success of the Ganapati festival Mr. Tilak inaugurated the Shivaji festival in 1895. The object in this case was more directly political. It was to inspire the masses and the youth with national fervour and to make them proud of their heritage. By placing before them the example of their national hero Mr. Tilak wanted to stimulate the people to patriotic action. And he was successful in his attempts. Shivaji's festival aroused great enthusiasm among the Maharashtra youth and the masses and many of them were fired with the ambition to serve their Motherland in the way in which Shivaji had done in his own times.

It is pointed out by Anglo-Indian and English writers that both the Ganpati and the Shivaji festivals were utilised by Mr. Tilak and his followers to preach sedition and the use of violent methods, and the speech of Mr. Tilak and the songs sung by Chapekar Brothers on the 1897 celebration of Shivaji's festival are quoted in proof thereof. Discussing the killing of Afzal Khan by Shivaji, Mr. Tilak had said :—

“This question cannot be answered from the standpoint of the Penal Code or of the laws of Manu or according to the principles of morality laid down in the systems of the West or of the East. The laws which bind society are for common folk like you and me. No one seeks to trace the geneology of a Rishi or to fasten guilt upon a Maharaj. Great men are above the common principles of morality. . . . The Divine Krishna's teaching in the Gita tells us we may kill even our teachers and our kinsmen, and no blame attaches if we are not actuated by selfish desires. Shivaji did nothing from a desire to fill his own belly. It was in a praiseworthy object that he murdered Afzal Khan for the good of others God has conferred on the *mlechhas* no grant of Hindusthan inscribed on imperishable brass. Shivaji strove to drive them

forth out of the land of his birth, but he was guiltless of the sin of covetousness. Do not circumscribe your vision like frogs in a well. Rise above the Penal Code into the rarefied atmosphere of the sacred Bhagwad Gita and consider the action of great men.”¹

It appears to me that the main purpose of this disquisition was to disprove the contention of English historians that Shivaji committed a sin in killing Afzal Khan by deception and to demonstrate that Shivaji was dominated purely by unselfish motives in committing the Act. One may disagree with the view that great men are above the common principles of morality or that means are of no consequence in judging the actions of men ; but, one cannot accuse Mr. Tilak of preaching violence or sedition from this passage. However, the *Shlokas* recited by Chakepar brothers belong to a different category :—

“Merely reciting Shivaji’s story like a Lord does not secure independence ; it is necessary to be prompt in engaging in desperate enterprises like Shivaji and Baji ; knowing, you good people should take up swords and shields at all events now ; we shall cut off countless heads of enemies. Listen. We shall risk our lives on the battlefield in a national war ; we shall shed upon the earth the life-blood of the enemies who destroy our religion ; we shall die after killing only, while you will hear the story like women.”² This poem no doubt preaches violence as also does the Ganpati *Shloka* of Chakepar brothers :—“Alas, you are not ashamed to remain in servitude ; try therefore to commit suicide ; alas, like butchers, the wicked in their monstrous atrocity kill calves and kine ; free her (the cow) from her trouble ; die, but kill the English ; do not remain idle or thereby burden the earth ; this is called Hindustan, how is it that the English rule here.”²

It is, therefore, clear that the Ganpati and Shivaji festivals were used to arouse the people and to make them ready for a political fight. And it is also obvious that although Mr. Tilak

¹ Chirol : Indian Unrest, pages 46 and 47.

² Sedition Committee (Rowlatt) Report, 1918, page 2.

himself did not preach either sedition or violence he did nothing to stop such propaganda on these occasions.

In 1898, as already stated above,¹ famine broke out in India. Mr. Tilak organised help for the suffering people and started what has been described as a "no-rent" campaign. In the previous chapter I have already dealt with this question and have described the actual steps taken by Mr. Tilak and his volunteers. It is possible that some of his followers may have utilised the situation to arouse feelings against the Government. As far as Mr. Tilak himself is concerned, he appears to have tried his best to stop food riots by asking them to get help from the Government instead of resorting to violence.²

However, the situation became much more serious next year when the Government enforced unpopular and unwise sanitary measures on the people to stop the spread of the Plague. The result was that the Plague Officer of Poona, Mr. Rand, became very unpopular and the Chapekar brothers decided to shoot him. They chose the night of the Jubilee celebration of Queen Victoria, 22nd June, 1897, for the deed ; and when they saw Mr. Rand returning from the Government House after the celebration, shot him in Ganeshkhind Road, Poona. In order to make their retreat safe Lt. Ayerst, who was following Mr. Rand in a carriage, was also shot and killed. "Damodar Chapekar was tried and convicted of the double murder on the 22nd June."³

It may be mentioned here that Damodar and Balkrishna Chapekar had founded a society for physical and military training in Poona in 1895. It was called the "Society for the removal of obstacles to the Hindu Religion."⁴ It appears that the society became revolutionary and was responsible for other violent acts as well. Damodar Chapekar had confessed to having tarred Queen Victoria's marble statue at Bombay with the help of his brother ; and "four members of the

¹ See page 270 *supra*.

² Athalye : Life of Lokmanya Tilak, page 85.

³ Sedition Committee Report, 1918, page 3.

⁴ *Ibid*, page 2.

Chapekar Association were hanged and one was sentenced to 10 years' rigorous imprisonment" for attempting to shoot a chief constable at Poona and for murdering "two brothers who had been rewarded by the Government for information which led to the arrest and conviction of Damodar Chapekar."¹

The murder of Mr. Rand and Lt. Ayerst caused a consternation especially in Anglo-Indian circles and the Anglo-Indian press began to call for the gagging of the Indian press and for the prosecution of Mr. Tilak who was held responsible by them for at least the creation of the atmosphere which had resulted in the double murder. Mr. Tilak's paper, the *Kesari* was carrying on a vigorous propaganda against the employment of British soldiers in making house to house visitation and in enforcing strict sanitary measures on an unwilling and irritated public. So were other vernacular papers like the *Kal*, the *Vaibhav*, the *Modavritta*, the *Pratod*, etc. Moderate leaders who had left Poona were also carrying on a frantic clamour against Government measures. But Mr. Tilak's comment was that "mere clamour" was futile: they ought to have remained in Poona and helped him in the work of the voluntary plague hospital.² This was interpreted by the Anglo-Indian press as an advocacy of violent methods. And the publication on the 15th June, 1897, of the proceedings of the Shivaji festival celebration held on June 12, 1897, where Tilak had delivered the speech justifying the murder of Afzal Khan by Shivaji, was regarded as a direct incitement to the Chapekar Brothers to commit the crime of murdering Mr. Rand and Lt. Ayerst.

The Anglo-Indian agitation was successful and Mr. Tilak was arrested on 27th July, 1897 at Bombay where he had gone to seek legal redress against the reckless statements made against him by the *Times of India*. The printer of the *Kesari* was also arrested. The editors of the *Poona Vaibhav*, the *Modavritta*, the *Pratod* were also arrested.³ Two leading

¹ Sedition Committee Report, 1918, page 4.

² Athalye: Life of Lokmanya Tilak, page 94.

³ *Ibid*, page 96.

landlords of the Deccan, who had shown sympathy with the suffering people and who were suspected to be in touch with the political movement in the province, were deported under Regulation XXV of 1827. The Natu Brothers were men of great wealth and influence and their deportation and the confiscation of their property without assigning any reasons, on mere suspicion, caused a great stir in the country. The Congress passed a resolution of protest and Lord Curzon was greatly upset by this high-handed action of the Government of Bombay—without obtaining his sanction or even informing him of the reasons that led it to take such a drastic step. For full five months Lord Curzon was writing to the Governor of Bombay in that connection and in his letter of May 26th, 1899 he writes that 'he was still "in complete ignorance as to why they are still under surveillance, of what you now suspect them, or what you think they would do if accorded full release"; and he added that the position was one in which "with all respect to yourself and your Government, I must decline to acquiesce."'¹

But it was the case of Tilak which aroused widespread interest. It was tried by a young English judge, Mr. Justice Strachey, with a special jury of nine, of whom six were Europeans, unacquainted with the Marathi language. The charge brought against him was that of sedition and it was based upon the publication of a poem in Marathi by an obscure poet and the report of his speech justifying the murder of Afzul Khan by Shivaji. The Advocate-General had admitted at the start that the trial had nothing to do with the murders of Mr. Rand and Lt. Ayerst and was only concerned with the poem and the articles in question. But the judge in charging the Jury was not so scrupulously fair: The comment of the *Calcutta Indian Mirror* was as follows:—"It seemed that the Judge and the Advocate-General had interchanged places." "Mr. Justice Strachey freely referred to the famine and the plague told about the employment of British troops not being liked by the people passed on to the Poona

¹ Ronaldshay: *Life of Lord Curzon*, Vol. II, page 58.

murders" and "without the least hesitation" declared that "the inevitable result was friction and such a state of tension and excited feeling that, no wonder it ultimately culminated in the murders of Mr. Rand and Lt. Ayerst." Of course he added that he did not wish to suggest in any way that there was any causal connection between "either of these articles and those abominable murders."¹ The verdict of the jury was "guilty", 6 voting for and 3 against, and the judge sentenced Mr. Tilak to 18 months' rigorous imprisonment.

As this is the first sedition case of importance in the long line of such cases, it is worth while to mention how the conviction was received by the people. Moreover, it was in this case that the judge had defined "disaffection" as not so much positive feelings of hatred, etc., towards the Government but simply "want of affection". The comments of the English paper *Daily Chronicle* on the conviction of Mr. Tilak deserve quotation:—"Wildness, discontent, mischievous rubbish there may be in plenty. But we have got on with it and we shall get on with it again. Prove real sedition—above all, conclusively connect it with crime—and we should all favour sharp, stern punishment. But when it comes to overhauling poems and constructing elaborate innuendoes from eulogies of picturesque and popular bandits one feels that the Government are on perilous path"²

And as to the view of the people it was voiced by Sir Surendranath at the Congress. He said: "I declare on my behalf and on behalf of the entire Native Press that in our heart of hearts we believe Mr. Tilak to be innocent of the charge brought against him. The ends of technical justice may have been satisfied but substantial justice has grievously failed. My sympathy goes forth towards Mr. Tilak in his prison home for whom the nation is in tears"³

The conviction of Mr. Tilak was received by European Sanskrit scholars with great shock and sadness. Professor

¹ Athalye : Life of Lokmanya Tilak, page 99.

² *Ibid.*, pages 99 & 100.

³ *Ibid.*, page 100.

Max Muller got up an influentially signed petition to the Queen for clemency to the learned author of the "Orion" as a result of which he was afforded certain facilities for literary work at night in the Jail and was released about six months before the completion of his term.

After his release Mr. Tilak resumed his old life and the editorship of the *Kesari*. The *Ganpati* and *Shivaji* festivals continued to be celebrated and used for purposes of mass education and political propaganda. During the next few years Mr. Tilak was harassed by his personal enemies. He was charged with criminal breach of trust and forgery in connection with the Tai Maharaj case. But in spite of his private tribulations and preoccupations Mr. Tilak continued both his public work and private academic researches. On the whole, however, there was a stifled quietness in the political atmosphere during 1899 to 1904—a quietness that presaged a heavy storm, which raged throughout the country during the next four years.

CHAPTER XVII

THE MOVEMENT IN BENGAL, 1905-09.

I

The signal for the storm was the Partition of Bengal in 1905. Sir Lovat Fraser has gone out of his way to show that the measure did not owe its origin to Lord Curzon and that he was not specially responsible for it. None-the-less he calls it as one of the two "greatest and most beneficent achievements of Lord Curzon's Viceroyalty."¹ And as to the anti-partition agitation his opinion was that he had "never known any agitation quite as absurd as the agitation against the Partition of Bengal."¹ Yet it was this agitation that showed to the world, no less to India herself, the strength of the new life in the country and taught to the people the value of organised action and agitation.

The history of the Partition goes back to the year 1874 when three Bengali-speaking districts of Sylhet, Cachar, and Goalpara, along with Assam were separated from Bengal and were constituted into the Chief-Commissionership of Assam. But the new province was too small to have a service cadre of its own and the civilian officers began to devise measures of turning the Chief-Commissionership into a self-contained province.² Moreover considerations of frontier defence also made it necessary to enlarge the boundaries of Assam. In 1891 a small conference, consisting of the Lieutenant-Governor of Bengal, the Chief Commissioners of Assam and Burma and a small number of military experts, recommended the transference of Lushai Hills and the Chittagong Division to Assam.³ A few years later in 1896 Sir William Ward, the Chief Commissioner of Assam, worked out the whole scheme

¹ Fraser : *India under Curzon and After*, page 462.

² Bannerjee : *A Nation in Making*, pages 184-85.

³ Mazumdar : *Indian National Evolution*, page 201.

and suggested not only the transfer of Lushai Hills and the Chittagong Division but also of the two districts of Dacca and Mymensingh. However, his successor, Sir Henry Cotton, opposed this scheme of "emasculating a rising people",¹ as a result of which only Lushai Hills—which were mainly inhabited by a number of wild tribes—were transferred to Assam.

The next step in the chain is the letter of Sir Andrew Fraser, then the Chief Commissioner of the Central Provinces, written in February 1901, suggesting the annexation of Sambalpur district to Orissa, with Uriya as its court language. This letter went on its usual round from one office to another and did not reach the Viceroy till May 1902. In the meantime had arisen the question of Berar which Lord Curzon proposed to place under the administration of the Central Provinces and in that connection also informed the Secretary of State of his intention to examine the whole question of rearranging provincial boundaries. He mentioned specifically the case of Bengal, which was "unquestionably too large a charge for any one man."² A few days after writing this letter to the Secretary of State Lord Curzon received the letter of Sir Andrew Fraser of February 1901. He was furious at the delay and wrote his famous note—called "The Round and Round Note"—on the evils of departmentalism.³ Lord Curzon sent the whole file back remarking that the question was to form part of a bigger scheme of reorganisation of provincial boundaries in connection with the incorporation of Berar into the Central Provinces.

¹ Mazumdar : *Indian National Evolution*, page 202.

² Ronaldshay : *Life of Lord Curzon*, Vol. II, page 321.

³ The note is quoted *in extenso* in Fraser : *India Under Curzon and After*, pages 377 to 379. Wrote Lord Curzon :—"Departmentalism is not a moral delinquency. It is an intellectual hiatus—the complete absence of thought or apprehension of anything outside the purely departmental aspects of the matter under discussion. For fourteen months it never occurred to a single human being in the Departments to mention the matter or to suggest that it should be mentioned. Round and round like the diurnal revolution of the earth went the file, stately, solemn, sure and slow; and now in due season it has completed its orbit and I am invited to register the concluding stage.

Lord Curzon regarded the boundaries of Bengal, Assam, the Central Provinces and Madras as "antiquated, illogical and productive of inefficiency"¹; and "he set to work to plan necessary alterations".² The ambition of Lord Curzon, which he confessed to Sir A. Godley of the India Office, was "to fix provincial boundaries for the next generation".² And yet Sir Lovat Fraser holds that the Partition of Bengal was not originated by Lord Curzon! However, to proceed with the history of the Partition:—

When the question of the incorporation of Berar in the Central Provinces came up, several suggestions were made about the bigger question of general reorganisation of provincial boundaries, including one by Sir John Hewett for the transference of the Chittagong Division to Assam. This was enlarged by the new Lieutenant-Governor of Bengal, Sir Andrew Fraser, early in 1903, who recommended the addition of the two districts of Dacca and Mymensingh as well to Assam. This was approved by Lord Curzon and was embodied in a famous Resolution of the Government of India, dated the 3rd December, 1903.

The publication of the Resolution aroused a storm of opposition in Bengal. The Government held a series of conferences with the leaders of Eastern Bengal to explain the scheme and to persuade them to accept the partition but without success. The leaders could not reconcile themselves to union with backward Assam. Lord Curzon himself toured Eastern Bengal in February 1904 and tried to persuade the people to accept the partition; but he was everywhere met with placards:—"Do not turn us into Assamese".³ This made Lord Curzon change the whole scheme and to recommend the separation of Eastern Bengal from Western Bengal and to tack on Assam to Eastern Bengal—instead of tacking on portions of Eastern Bengal to Assam as originally proposed.

The revised scheme was elaborated in secret and was

¹ Ronaldshay: The Life of Lord Curzon, Vol. II, pages 321 & 322.

² *Ibid*, page 322.

³ Fraser: India Under Curzon and After, page 380.

not submitted to the public for criticism or opinion.¹ It was sent in a Dispatch, dated February 2, 1905 to the Secretary of State for India, who approved it with certain modifications on June 9, 1905. The scheme was promulgated in a Government Resolution, dated July 19, 1905 and it came into force on October 16, 1905 in spite of the unprecedented opposition of the people all over India.

II

The Resolution of July 19, 1905 was followed by a stupendous agitation which was, on the whole,² carried on in a disciplined and organised fashion. The leaders of public opinion—including several Englishmen³—met under the Presidency of Maharaja Jatindra Mohan Tagore and despatched a telegram to the Viceroy urging modification on the lines finally adopted in 1911, which would meet administrative needs and at the same time keep the Bengali-speaking people together. But the Government of Lord Curzon was adamant, which made the people believe, that the real motive behind the Partition was political. It was to drive a wedge between the two communities and to create a new Mohammedan province in which the government was to be conducted on the basis of credal differences.

However, the people decided to agitate for the modification of the Partition. Public meeting were held all over Bengal to protest against the proposed partition and a grand remonstrance was organised at Calcutta in the Town Hall on August 7, 1905. The crowd was so large that instead of one meeting three had to be organised—two in the Town Hall, upper and lower floor, and one on the Maidan near the Bentinck statue.⁴ It was felt that mere protest was futile. "Something more was necessary—something that would be a

¹ The final scheme said Lord Morley in the House of Commons, "was never submitted to the judgment of anybody in Bengal." Bannerjee: *A Nation in Making*, page 186.

² There were no doubt excesses committed by over-zealous people but they were comparatively few.

³ Bannerjee: *A Nation in Making*, page 188.

⁴ *Ibid*, page 210.

fitting embodiment of the intense feeling that lay behind the whole movement." Anxious thought was bestowed in devising this "something more", and ultimately Swadeshi and Boycott¹ were decided upon. A Boycott pledge was drafted and Mr. Surendra Nath Bannerjee appealed to the people in all the three meetings to sign it. The pledge was as follows:—"I hereby pledge myself to abstain from the purchase of all English made goods for at least a year from this date, so help me God."² Thus was the boycott movement inaugurated in Bengal from where it spread to other parts of India.

Meetings on the model of August 7 demonstration were held all over the province where boycott resolutions were passed and the pledges taken. It is estimated that some 2,000 meetings were held during the intervening period—July 20, 1905 and October 16, 1905—but without moving the Government from its determination and the Partition was effected on the announced date.

The people of Bengal observed the 16th of October as a day of national mourning. An elaborate programme was drawn up for its observance at Calcutta. There were four main items in it:—(1) the tying of a red thread round the wrists of men—*rakhi-bundhan*—as an emblem of union between the sundered provinces; (2) the observance of *hartal* and fast; (3) laying the foundation of a "Federation Hall" where, on the analogy of the *Hotel des Invalides* in Paris, there were to be "statues of all the districts in Bengal, those of the sundered districts being shrouded until the day of the reunion",³ as those of Alsace and Lorraine in Paris; and (4) the raising of a National Fund chiefly for the purpose of

¹ It is difficult to say as to where and by whom the idea of boycott was first suggested. According to Surendranath Bannerjee, it first found expression at a public meeting in Pabna District and it was suggested by the Press which contained accounts of the Chinese Boycott of American goods. Mr. Nevinson is of opinion that boycott of British goods was suggested first by Mr. Krishna Kumar Mitra in *Sanjibani*. See Banerjee: *A Nation in Making*, pages 189—191 and Nevinson: *New Spirit in India*, page 178.

² Nevinson: *The New Spirit in India*, page 179.

³ Bannerjee: *A Nation in Making*, page 213.

helping the weaving industry. All the four items were scrupulously observed. In the afternoon the foundation-stone of the Federation Hall was laid by Babu Ananda Mohan Bose, one of the noblest sons of Bengal and a resident of one of the sundered districts, who had been ailing for several months but who possessed an undaunted spirit, wrote his speech in bed, and came in an invalid's chair to perform the sacred function and to condemn the act of sacrilege which the autocratic Viceroy had promulgated. In the evening the National Fund was opened at a crowded meeting by Babu Surendra-nath Bannerjee and Rs. 70,000 were collected on the spot.

III.

On the 16th of October, then, the Partition became "a settled fact" and the new province of Eastern Bengal and Assam came into existence with Dacca as its capital and Sir Bampfylde Fuller as the Lieutenant Governor. But the people of the new Province decided to continue the agitation against the partition and to carry on the Boycott and the Swadeshi movements. Leaders like Surendra Nath Banerjee and Bipin Chandra Pal toured through the sundered districts, addressed huge meetings and administered Swadeshi and Boycott vows. Intensive propaganda was carried on through the nationalist press. From Bengal the Boycott and Swadeshi movements spread to other provinces. The Congress of 1905 had sanctioned both the political boycott and the economic swadeshi. In 1906 it reiterated its sanction in still stronger language. The two movements achieved considerable success. Imports of cotton and other British goods went down and the weaving and other industries received a great impetus in the country. The condition of the weavers in Eastern Bengal improved considerably. The Land Revenue Administration report for 1906-7 says:—"It is reported that on account of the demand for country-made cloths, weavers working with the fly-wheel can make as much as Rs. 20 a month"—about double the average earning of the class.¹

¹ Nevins : New Spirit in India, page 180.

Again, the Report on the Administration of Eastern Bengal 1905-6 records a considerable increase in factories, a decrease of 16 per cent. in foreign imports—including salt, liquor, and cloth. The Collector of Dacca had to admit in his report of 1906-7 of the rapid spread of the Swadeshi spirit in the city to the extent that "even the public women of Dacca and Narainganj took the so-called Swadeshi vow and joined the general movement against the use of foreign articles".¹ During one month—May 1907—*The Times* reported that Indian imports of Manchester piece-goods went down by 42,492,500 yards.¹ Mr. Nevinson records the spread of *Swadeshi* in the following words:—"Such was the movement which I found speeding up the eighty or ninety cotton mills in Bombay, because work as they might, they could not keep pace with the demand from Bengal The movement was spreading to all kinds of merchandise besides cotton. In Calcutta they had started a Swadeshi match-factory, in Dacca soap factory and tanneries. In all Indian towns you will now find Swadeshi shops where you may buy native biscuits, cigarettes, scents, toys, woolens, boots, and all manners of things formerly imported. Nearly all the trade advertisements in Indian papers are now Swadeshi".² Sir Surendranath gives some instances of popular enthusiasm for *Swadeshi*:—"On one appeal over 18 lakhs were raised and the old cotton mill at Serampur was purchased, extended and renamed Banga Luxmi Mill. The Bengal National Bank was started to finance Indian enterprise. There was no lack of capital—it flowed in, though it "was not always wisely employed. Failures followed, and they served to damp the *Swadeshi* spirit"³. But that was later on.

In the first two years the Boycott and *Swadeshi* movements were very popular, especially with the youngmen in the schools and colleges. They were permeated with the new nationalist spirit. They attended anti-partition meetings

¹ Nevinson : *The New Spirit in India*, page 181.

² *Ibid*, pages 181 & 182.

³ Bannerjee : *A Nation in Making*, page 208.

in large numbers, took Boycott and *Swadeshi* vows, sang *Bande-Mataram* and other patriotic songs, shouted national cries enthusiastically and made *Bande-Mataram* their common salutation. They enrolled themselves as volunteers for national service and picketed foreign cloth shops. Some of them committed excesses in their enthusiasm; but they were also goaded to extremism by the reactionary, repressive and patently invidious policy of the new administration of Eastern Bengal. The *Swadeshi* meetings were broken up by force; the issuing of *Swadeshi* circulars was stopped. Preachers of *Swadeshi* like Babu Aswini Kumar Dutt were harassed and accused of sedition. Picketers were arrested and punished. For small technical offences "exemplary" punishments were meted out. "In one case, four youths destroyed foreign sugar, valued at 1s. 2d. and were sentenced to three and four months' imprisonment, with heavy fines".¹ Circulars were issued by District Magistrates to heads of educational institutions, in which they were told that unless the school and college authorities and teachers prevented their pupils from taking public action in connection with boycotting, picketing and other abuses associated with the *Swadeshi* movement, the schools and colleges would forfeit their grants-in-aid and the privilege of competing for scholarships, and the university would be asked to disaffiliate them".² The *Statesman* of Calcutta wrote strongly condemning the Circular. It concluded its note: "Government has blundered apparently into a childish and futile policy which can only have the effect of manufacturing an army of martyrs".³ Adds Sir Surendra Nath: "But circular after circular followed, each one adding to the prevailing excitement, and aggravating the evil which it was intended to cure".³ Perhaps the most ridiculous of them was the *Bande-Mataram* circular issued by Sir Bamfylde's Government which declared the shouting of *Bande-Mataram* in public streets to be illegal. The cry of *Bande-Mataram* was interpreted by a high European Official as "an invocation to

¹ Nevinson : *New Spirit in India*, page 185.

² Bannerjee : *A Nation in Making*, page 204.

³ *Ibid*, page 205.

the Goddess Kali for vengeance".¹ The Government went to extreme lengths in enforcing this Circular. "The climax was reached when the police assaulted the delegates of the Bengal Provincial Conference at Barisal in April 1906, and forcibly dispersed the Conference".² Great indignation was aroused by the action of the Government at Barisal and protest meetings were held not only in Bengal but also in far off corners of the country. A meeting of over ten thousand people was held on the Esplanade in Madras where on the motion of the Hon. Nawab Syed Mohammad Bahadur, seconded by Dr. Nair, the protest resolution was passed and an appeal cabled to the Secretary of State to intervene to allay public excitement and to restore "public faith in British freedom and the punishment of the officers responsible".³ At Calcutta a monster meeting was held to protest against the high-handed action of the police. It was at this meeting that Rai Narendra Nah Sen remarked that the only result of repression will be to convert young men to anarchism. Commenting on this Sir Surendranath writes in his autobiography :—"The anarchical and revolutionary movement . . . soon after made its first appearance in Bengal. It was the culminating expression of the wide-spread discontent caused by the Partition of Bengal and deepened by the policy associated with it, of which the unprovoked assault on the delegates by the police and the dispersal of the conference were the most notable illustration".³ Sir Surendranath relates the remarkable story of two young men who came to him a few months later to seek his advice on the question of shooting Sir Bampfylde Fuller, the unpopular Lieutenant-Governor of Eastern Bengal—whose Gurkha soldiers were "outraging some of our women".⁴ He was able to persuade them to desist from the action just in the nick of time. A few hours' delay might have resulted in a ghastly tragedy.

¹ Bannerjee : *A Nation in Making*, page 205.

² *Ibid.*, page 219.

³ *Ibid.*, page 232.

⁴ *Ibid.*, page 233.

IV

Such then were the results of the repressive policy followed by Sir Bampfylde and his Government. But even more disastrous were the effects of the invidious policy openly and deliberately pursued by the Government of Eastern Bengal of favouring the Mohammedans. Sir Bampfylde was bent upon winning the support of the Moslems to the side of the Government and to isolate the Hindus in the anti-partition agitation. And he considered all means fair to achieve this end. The support of Nawab Salimulla of Dacca who had considered the Partition at first as a "beastly arrangement" was won by advancing a loan of about £100,000 on a low rate of interest soon after the Partition. "A large proportion of Government posts were set aside for Mohammedans, and some were even kept vacant because there was no Mohammedan qualified to fill them".¹ "It was against the Hindus only that all the petty persecution of officialdom was directed. It was they who were excluded from Government posts; it was Hindu schools from which Government patronage was withdrawn. When Mohammedans rioted, the punitive police ransacked Hindu houses, and companies of little Gukhas were quartered on Hindu populations . . .".² The Lieutenant-Governor put this in a jocular form when he said that of his two wives the Mohammedan was the favourite. "The Mussalmans genuinely believed that the British authorities were ready to forgive them all excesses".³ The "priestly Mullahs went through the country preaching the revival of Islam, and proclaiming to the villagers that the British Government was on the Mohammedan side, that the law courts had been specially suspended for three months, and no penalty would be enacted for violence done to Hindus or for the loot of Hindu shops or for the abduction of Hindu widows. A Red Pamphlet was everywhere circulated, maintaining the same wild doctrines".¹ Riots broke

¹ Nevinson : *New Spirit in India*, page 192.

² *Ibid*, page 202.

³ *Ibid*, page 191.

out at many places, in Comilla, Jamalpur and Dacca itself—where “for three days and nights the Moslem mob ruled and looted to their heart’s content the rich Marwari jewellers. In one riot case the Mohammedan Magistrate trying a bunch of Mohammedan rioters, remarked that “there was not the least provocation for rioting ; the common object of the rioters was evidently to molest the Hindus”¹. In another case the same Magistrate observed :—“The evidence adduced on the side of the prosecution shows that on the date of the riot the accused (a Mussalman) read over a notice to a crowd of Mussalmans and told them that the Government and the Nawab Bahadur of Dacca have passed orders to the effect that nobody would be punished for plundering and oppressing the Hindus. So, after the Kali’s image was broken by the Mussalmans, the shops of the Hindu traders were also looted”. Again another European Magistrate in his report on another riot case wrote, that “some Mussalmans proclaimed by beat of drum that the Government has permitted them to loot the Hindus” ; while in an abduction case the same Magistrate remarked that “the outrages were due to an announcement that the Government had permitted the Mohammedans to marry Hindu widows in *Nika* form”². The results of these riots are thus described by Mr. Nevinson :—“A few lives were lost, temples were desecrated, images broken, shops plundered, and many Hindu widows carried off. Some of the towns were deserted, the Hindu population took refuge in any “pucca” house (i.e. house with brick or stone walls), women spent nights hidden in tanks, the crime known as “group rape” increased, and throughout the country districts there reigned a general terror which still prevailed at the time of my visit”².

The results of this policy of favouring the Moslem were thus disastrous. “A new religious feud was established in Bengal”². The official explanation was that the riots were caused by the refusal of Hindu shop-keepers to sell British

¹ Mazumdar : Indian National Evolution, page 235.

² Nevinson : New Spirit in India, page 193.

goods to Mussalmans. This was refuted by a European Magistrate, who later became a member of the Bengal Government, who said that "the Boycott was not the cause of the disturbances"¹ because the Boycott was directly beneficial to weavers and shoemakers, who formed bulk of the poor Mussalman population. The Government also put the blame on the "volunteer" movement. A number of national volunteers had been recruited and trained in physical drill for national work of various types ; and during the reign of terror they tried to help the poor victims of Moslem fury and to protect the Hindu widows to some extent. It is possible that at some places there may have been clashes between the Moslem mobs and the National Volunteers but the work of the Volunteers was chiefly one of protection. It is clear from the evidence produced in the riot cases that the chief cause of the religious feud was the belief that the Government was on the side of the Moslems and that the Moslem rioters had nothing to fear from the courts. Indeed the Government had gone very far in favouring the Mohammedans. The communal virus had spread to all branches of the administration and had even affected the judicial branch.² In the great Comilla Rioting Case the Judge had openly favoured the Muslims. He was no doubt severely censured by the Calcutta High Court when the appeal came before it, but the mischief had been done and the Hindus had undergone a great deal of suffering. In reviewing the sentences the High Court observed :—"The method of the learned judge in dealing with the testimony of the witnesses by dividing them into two classes—Hindus and Mohammedans—and accepting the evidence of one class and rejecting that of the other, is open to severe criticism. The learned judge ought to have directed his mind solely to the evidence which had been given before him, and to have excluded from his consideration all preconceived sympathies with either section of the people".²

¹ Mazumdar : *Indian National Evolution*, page 235.

² Bannerjee : *A Nation in Making*, page 218.

It can be easily imagined as to how bad things must have been when the taint had spread even to the judicial bench—but the Government excuse was the opposition of the Hindus to the Partition which had become an accomplished fact. The Government of Eastern Bengal was bent upon crushing the anti-partition agitation and that, it felt, it could only do by carrying the Muslims with it. It was a remedy that was worse than the disease—and the disease too, as has been shown above, was of its own creation. However, the policy of the Government was a direct and a very important cause of the rapid spread of religious nationalism—"of extremism" in Bengal. It gave rise to two new schools of political thought—one constitutional, led by Mr. Bipin Chandra Pal and Babu Arabindo Ghose and the other revolutionary led by Mr. Barindra Kumar Ghose and Mr. Bhupendranath Dutt.

V

In the previous chapter I have described the causes that led to the formation of the Nationalist or the Extremist Party at Benares in 1905 under the triple leadership of "Bal-Lal-Pal". During the next year its growth in Bengal was phenomenal and, in spite of the skilful management of the Moderates, the Calcutta Congress of 1906 was dominated by its leaders. The Party had a very powerful press behind it and the repressive policy of the Government was of great help to it. Mr. Bipin Chandra Pal and Babu Arabindo Ghose were powerful speakers and writers and through the platform and the Press they spread the new gospel of religious nationalism in Bengal as well as in other parts of India. Both had papers of their own. Mr. Pal edited *New India* and Babu Arabindo Ghose wrote regularly in the *Bande-Mataram*—an English daily which acquired great hold on the educated classes during the anti-partition agitation. Both the *New India* and the *Bande-Mataram* carried on ceaseless propaganda on behalf of the new Nationalist Party and expounded in powerful, appealing language the principles of religious nationalism and the ideal of an independent India. Mr. Pal did not then believe in Dominion Status or self-government on colonial lines. For

him *Swaraj*, absolute self-rule, was fundamentally incompatible with the maintenance of the British connection. He believed in a free, independent India—not within the Empire though perhaps an ally of Britain like Japan. Mr. Tilak, who was regarded by the Bengal Nationalists as their Political Guru and who maintained his connection with them right through the period, considered the ideal of independence as very distant and impractical in the near future. In an interview with Mr. Nevinson, he said :—"Certainly, there is a very small party which talks about abolishing the British rule at once and completely. That does not concern us ; it is much too far in the future".¹ On the other hand, Mr. Pal questioned the practicability of the ideal of Dominion Status. He said : "Is really Self-Government within the Empire a practical ideal?"² And he answered by showing that the commercial and economic interests of Britain will never allow England to grant India Dominion Status. He said :—"And do you think it is possible for a small country like England with a handful of population, although she might be enormously wealthy, to compete on fair and equitable terms with a mighty continent like India, with immense natural resources, with her teeming population, the soberest and most abstemious population known to any part of the world?"³ He continued : ". . . and if the day comes when England will be reduced to the alternative of having us as absolutely independent people or a co-partner with her in the Empire, she would prefer to have us, like the Japanese, as an ally and no longer a co-partner, because we are bound to be the predominant partner in this Imperial firm. Therefore no sane Englishman, politician or publicist, can ever contemplate seriously the possibility of a self-governing India, like the self-governing colonies, forming a vital and organic part of the British Empire . . . therefore it seems to me that—when we study and analyse this ideal of self-government within the Empire, we find it a far more impractical thing to attain

¹ Nevinson : *New Spirit in India*, page 72.

² Chitrol : *Indian Unrest*, page 12.

³ *Ibid*, page 13.

than even our ideal *Swaraj*".¹ And he went on preaching with Babu Arabindo Ghose the ideal of independence to young India which must be won by their own efforts and not accepted as a gift from the British Government. Mr. Pal said: "If the Government were to come and tell me today '*take Swaraj*', I would say, thank you for the gift, but I will not have that which I cannot acquire by my own hands Our programme is that we shall so work in the country, so combine the resources of the people, so organise the forces of the nation, so develop the instincts of freedom in the community, that by this means we shall—*shall* in the imperative—compel the submission to our will of any power that may set itself against us".² The methods that Mr. Pal preached at the time were the encouragement of Indian industries (*Swadeshi*) helped by the rigorous boycott of British goods and passive resistance reinforced by the boycott of government service. The boycott of British goods and the encouragement of *Swadeshi* were being advocated by the Moderates as well under the leadership of Babu Surendra Nath Bannerjee, Babu Aswini Kumar Dutt, Babu Bhupendranath Basu, etc. But Passive Resistance was only preached by the new Nationalist Party. It preached the Boycott of government service and of government officials and honours, and to those who thought that this was impractical, Mr. Pal replied:—"The administration may be made impossible in a variety of ways. It is not actually that every Deputy Magistrate should say: I won't serve it. It is not that when one man resigns nobody will be found to take his place. But if you create this spirit in the country the government service will gradually imbibe this spirit, and a whole office may go on strike We can reduce every Indian in government service to the position of a man who has fallen from the dignity of Indian citizenship".³ He went on to say that no law can force the people to show honour to government servants or to have any social dealings with them and he enunciated

¹ Chirol : Indian Unrest, page 14.

² *Ibid.*, page 11.

³ *Ibid.*, pages 11 and 12.

the doctrine that passive resistance was absolutely legitimate. But mere negative work was not enough. "Positive work will have to be done. Without positive training no self-government will come to the boycotter Let our programme include the setting up of machinery for popular administration, and running parallel to, but independent of the Government In the Providence of God we shall then be made rulers over many things"¹.

Such was the programme of the new Nationalist Party in Bengal. At this time Bengal was also witnessing a great Hindu revival under the inspiration of Vivekanand—the favourite disciple of Swami Ram Krishna Paramhansa and a wonderfully eloquent and magnetic personality; and the two new movements—the new Nationalist and the Hindu Revivalist movements—met and influenced each other. As a matter of fact in many cases they became one. The young ardent Hindu was also a patriot and a nationalist; and the young nationalist was an enthusiastic Hindu and not an anglicised reformer as some of the older congressmen were in their youth. In fact the new nationalism in Bengal was very largely Hindu nationalism. As pointed out by Sir Valentine Chirol:—"*Swadeshi* and *Swaraj* are the battle-cries of this new Hindu Nationalism, but they mean far more than a mere claim to fiscal or even political independence. They mean an organised uplifting of the old Hindu traditions, social and religious, intellectual and moral, against the imported ideals of an alien race and an alien civilization, and the sincerity of some, at least, of the apostles of this creed cannot be questioned. With Arabindo Ghose, they firmly believe that 'the whole moral strength of the country is with us, justice is with us, nature is with us, and the law of God, which is higher than any human law, justifies our action.'"² Writes Mr. Bipin Chandra Pal:—"The reawakening of national consciousness and aspirations in India in our own time has revived the ancient idealism of the Sakti cult: and Durga, Kallee, Jagadhatree, Bhawanee

¹ Chirol: Indian Unrest, page 12.

² *Ibid*, page 31.

and all the other great forms and symbols used by the Hindu sakti-worshippers, have received a new meaning. All these old and traditional gods and goddesses who had lost their hold on the modern mind, have been re-installed with a new historic and nationalist interpretation in the mind and soul of India Hundreds of thousands of our people have commenced to hail their motherland to-day as Durga, Kalee, Jagadhatree, Bhawani. These are no longer mythological conceptions or legendary persons or even poetic symbols. They are different manifestations of the Mother. This Mother is the spirit of India. This geographical habitat of ours is only the outer body of the Mother. The earth that we tread on is not a mere bit of geological structure. It is the physical embodiment of the Mother. Behind this physical and geographical body there is a Being, a Personality,—the Personality of the Mother”.¹

Such was the spirit behind the idolisation of the young Hindu Nationalist. In the previous chapter² I have quoted a passage from one of the speeches of Mr. Arabindo Ghose explaining the meaning of religious nationalism—how he had made nationalism into a new religion. Mr. Arabindo Ghose drew his inspiration from the teachings of Bhagawad Gita and he believed that by the practice of *Yoga*, certain forms of asceticism, man could transform himself into a superman. He preached the doctrine of active self-sacrifice in the service of the country instead of mere renunciation for individual salvation. And even Sir Valentine Chirol admits that “his ethical gospel is not devoid of grandeur”.³ Babu Arabindo Ghose captured the imagination of the people and spread the gospel of Nationalism among the youths of Bengal. During 1906-08 the Nationalist Party grew in strength and influence and greatly helped the Boycott and the *Swadeshi* movements. National educational institutions were started under the auspices of the Party—the most important of which was a College at

¹ Pal : The Soul of India, pages, 186-87.

² See Chapter XXV.

³ Chirol : Indian Unrest, page 89.

Calcutta under the Principalship of Mr. Arabindo Ghose. But the repressive policy of the Government, which had helped to increase the popularity of the Party in the beginning, ultimately made its work very difficult. The passing of the Seditious Meetings Act and the Indian Newspapers (Incitement to Offences) Act in 1908 brought the work of public propaganda almost to an end. The activities of the Revolutionary Party also eclipsed the Nationalist Party to a certain extent. Gradually the wave of enthusiasm declined and the Morley-Minto Reforms ushered a new era in the country.

VI

Side by side with the propaganda of the New Nationalist Party revolutionary propaganda of a very vigorous and extreme type was being carried on by Barindra Kumar Ghose, younger brother of Babu Arabindo Ghose, and Bhupendra Nath Dutt, the only brother of Swami Vivekanand, through such powerful and popular organs as *Yugantar* (New Era) and *Sandhya* (Evening). And, as pointed out by the two moderate leaders, Sir Surendra Nath Bannerjee and Rai Narendranath Sen, the reactionary and repressive policy of the Government, especially after the break-up of the Barisal Conference in April 1906, drove the more sensitive and emotional spirits among the youth of the two sundered provinces to the path of terrorism and revolution.

Mr. Barindra Kumar Ghose had studied with his brother at Baroda "history and political literature" for a year and he returned to Bengal in 1902 "with the idea of preaching the cause of independence as a political missionary", to use his own words. He worked for two years. He went from district to district, started gymnastic societies and taught politics and physical exercises and preached the gospel of independence. Dissatisfied with the results he went back to Baroda and studied there again for a year. "I then returned to Bengal, convinced that a purely political propaganda will not do for the country,

and the people must be trained up spiritually to face dangers".² He started the *Yugantar*, a vernacular daily, with the help of two friends and carried on the political and religious instruction of the masses. He gathered round him a batch of 14 or 15 young men and educated them in religion and politics. "We are always thinking of a far-off revolution and wish to be ready for it"²

Through the *Yugantar* Barindra Kumar Ghose preached the gospel of revolution—which was to be more of a religious than of a political nature. In an article headed "The Age of Gita again in India," he declared:—"Sri Krishna has said in *Gita* that whenever there is a decline of righteousness and a rise in unrighteousness there shall be a reincarnation of God to rescue the good, to destroy the wrong-doer, and to establish righteousness." "At the present time righteousness is declining and unrighteousness is springing up in India. A handful of alien robbers is ruining the crores of the people of India by robbing the wealth of India. Through the hard grinding of their servitude, the ribs of this countless people are being broken to pieces Why, oh Indians, are you losing heart, at the sight of many obstacles in your path, to make a stand against this unrighteousness? Fear not, oh Indians. God will not remain inactive at the sight of such unrighteousness in His Kingdom. He will keep His word. Placing firm reliance on the promise of God, invoke His power, and He will descend in your midst to destroy unrighteousness. Do not be afraid. 'When the Lightning of heaven flashes in their hearts, men perform impossible deeds.'"¹

Such was the trumpet call sounded by the *Yugantar*; and in order to achieve the object it outlined a complete scheme of action. The first item in the programme was to arouse hatred of servitude in the mind of the educated classes by a vigorous propaganda in the Press. The second item was

² These quotations are from the Statement of Mr. B. K. Ghose which he made before a Magistrate on May 22nd, 1908, quoted in Sedition Committee Report, 1918, page 20.

¹ Quoted by Sir Valentine Chirol in *Indian Unrest*, pages 90 & 91.

to remove from their mind the fear of unemployment and starvation and to instil in their minds the love of freedom and of the Motherland. This was to be accomplished "by soul-stirring music and theatrical performances, glorifying the lives of heroes and their great deeds in the cause of freedom and by patriotic songs."¹ The third item was to keep the enemy busy with demonstrations and agitation—with *Bande-Mataram* processions, Swadeshi conferences, Boycott meetings, etc. They were to be regarded as mere trifling accompaniments and not "our real effort." The most important item was to recruit young men who were to be organised in small bands, trained in physical exercises, use of weapons, religious practices of the *Shakti* cult, revolutionary literature and in strict discipline and taught implicit obedience to rules and their leaders and to keep strict secrecy about their instructions and counsel. Fifthly, weapons were to be obtained in various ways—by manufacturing bombs, by stealing fire-arms, by purchasing them from foreign lands and smuggling them into the country. And lastly, money was to be raised for the purpose partly by donations and partly by force—by raids and dacoities. "The law of the English is established on brute force, and if to liberate ourselves, we too must use brute force, it is right that we should do so."²

The *Yugantar* believed in the justice and righteousness of its cause. It wrote: "If the whole nation is inspired to throw off its yoke and become independent, then in the eye of God and in the eye of Justice whose claim is more reasonable, the Indians' or the Englishmen's? The Indian has come to see that independence is the panacea of all his evils. He will therefore ever swim in a sea of blood to reach his goal . . . Long ago the Indian Rishis preached the destruction of falsehood and the triumph of truth. And this foreign rule based on injustice is a gross falsehood. It must be subverted and true *Swadeshi* rule established."³ And it asked the

¹ Chirol : Indian Unrest, page 93.

² *Ibid*, page 94.

³ *Ibid*, pages 16 and 17.

Bengali youth to take courage in both hands and destroy the British rule in India :—"Will the Bengali worshippers of *Shakti* shrink from the shedding of blood? The number of Englishmen in this country is not above one Lakh and a half, and what is the number of English Officials in each district? If you are firm in your resolution you can in a single day bring British rule to an end. Lay down your life, but first take a life. The worship of the Goddess will not be consummated if you sacrifice your lives at the shrine of independence without shedding blood".¹

As a result of the work of Mr. Barindra Kumar Ghose, Bhupendra Nath Dutt and others and of the propaganda carried on in *Yugantar*, *Sandhya* and other organs and in consequence of the reactionary and repressive policy followed by the Government of the two Bengals a number of secret, revolutionary societies sprang up all over Bengal. Barindra Kumar and his "associates formed a body called the Anusilan Samiti (society for the promotion of culture and training). One of these societies was soon in working order at Calcutta, the capital of Western, and another at Dacca, the capital of Eastern Bengal. They extended their ramifications in all directions. At one time, the Dacca Society had 500 branches in towns and villages"²

The young recruits were initiated into the Samiti (Society) by means of a religious ceremony and had to take four separate vows—the initial, the final, the first special and the second special. A witness in a conspiracy case thus describes the method of taking the vows :—"Before the Durga Puja vacation on the Mahalaya day, Romesh, myself and several others of the Dacca Samiti were formally initiated at Ramna Siddheswati Kalibari by Pulin Das. We took *Adya*, *Anitya* and the special vows before. There was no priest present and the ceremony took place at 8 A.M. before the Goddess Kali. Pulin Das performed *Jagya* before the Goddess and other *puja*. The vows which were printed were read out by each of us and

¹ Chirol : Indian Unrest, page 94.

² Sedition Committee Report, 1918, pages 21 and 22.

we signified our readiness to be bound thereby. The special vow was taken by each of us specially before the Goddess with a sword and *Gita* on the head and kneeling on the left knee. This is called the *Pratyalarha* position and is supposed to represent a lion about to spring on his prey".¹

The following extract from the first special vow will give a good idea of the nature of the vows that were administered to members at the time of their initiation:—"In the name of God, mother, father, preceptor, leader and Almighty, I make this vow that:—

(1) I will not go away leaving this circle until its object (until the object of the Samiti) is fulfilled. I will not be bound by the tie of affection for father, mother, brother, sister, hearth and home, etc., and I will, without putting forward any excuse, perform all the work of the circle under orders of the leader. I will do all my work in a steady and serious manner, giving up loquacity and fickleness.

. (3) If I fail to keep this vow, may the curse of Brahmins, of father and mother and of the great patriots of every country speedily reduce me to ashes."²

The initiated members were then given a course of training—"the *Bhagawad Gita*, the writings of Vivekananda, the lives of Mazzini and Garibaldi were part of the course."³ But of special importance were three books, the *Bhawani Mandir*, the *Bartaman Rana-Niti*, and *Mukti Kon Pathe*. These three books were in a special sense the text-books of revolutionary nationalism. The first advocated the building of a new temple of Bhawani in a secluded, far-off place and the founding of a new order of political *Sanyasis* (ascetics) or *Brahmacharis* (unmarried students) who were to acquire strength through *Shakti* worship and who were to dedicate their lives or important portions of their lives to the work of winning Indian Freedom. The Central idea was taken from Bankim Chandra's famous novel *Ananda Math*, which also provided the country

¹ The Sedition Committee Report, 1918, page 95.

² *Ibid*, page 94.

³ *Ibid*, page 23.

with a new National cry and a National Anthem—*Bande-Mataram*. The second book *Bartaman Rananiti* by Abinas Chandra Bhattacharya was a manual on the art of modern warfare. It considered war a necessity and dealt with the manner in which skill in arms could be acquired by political workers. There was also a manual of making bombs attached to it; and a list of other books on the art of modern warfare, modern weapons, on the making of explosives, etc., and some of these books as well were also found with several of the revolutionaries when they were arrested or their houses searched. The third book was made up of the collection of selected articles from the *Yugantar* and gave a whole scheme of training and work for the young revolutionary. The main items of this scheme have already been described above.¹

It appears from the statement of Mr. Barindra Kumar Ghose that the leaders of the revolutionary party did not themselves attach any special importance to the practice of terrorism. Their aim was to prepare the youth of the country for the coming revolution. "We never believed", says Mr. B. K. Ghose "that political murder will bring independence. We do it because we believe the people want it."² On the other hand it is clear that the revolutionary associations in Bengal were consciously modelled upon the Russian and Italian Secret Societies and acts of terrorism figured prominently on their practical programmes. Since 1907 the Bengal revolutionists have been responsible for the commission of a fairly large number of terrorist crimes. In October 1907, it is said, "there were two plots to blow up the Lieutenant-Governor's train and on December 6th, 1907, the train on which he was travelling was actually derailed by a bomb near Midnapore, the explosion making a hole 5 feet wide by 5 feet deep On the 23rd December 1907, Mr. Allen, formerly District Magistrate at Dacca, was shot in the back, though not fatally, at a Railway Station in the district of Faridpur between Dacca and Calcutta."³

¹ See pages 328 and 329, *supra*.

² Quoted by the Sedition Committee Report, 1918, page 20.

³ *Ibid*, pages 31 & 32.

With these two incidents the history of revolutionary crime begins in Bengal. But the event that created a great stir in both India and in England, in the early days of the movement, was the killing of two innocent English ladies, Mrs. and Miss Kennedy, by an unfortunate accident on April 30th, 1908. The revolutionary party had deputed two members, Khudi Ram Bose and Profulla Chakie, to murder Mr. Kingsford, the Judge at Muzaffarpur in Bihar. He was formerly the Chief Presidency Magistrate at Calcutta where he was supposed to have administered heavy punishments on young *Swadeshi* workers. "Especially odious had he become by inflicting corporal punishment upon more than one respectable young man."¹ The Revolutionary Party decided to murder him. They first tried a very ingenious method. They got hold of a book that was borrowed from Mr. Kingsford. They cut out the middle portion of the leaves of the book and inserted a bomb in the hollow thus created—with a spring to cause its explosion when the book was opened. They packed it and sent it to Mr. Kingsford who left the parcel unopened as he did not need the book immediately. It was eventually opened when the facts were later disclosed by a revolutionary some months after. This device having proved unsuccessful, Khudi Ram Bose and Profulla Chakie were sent with a bomb to Muzaffarpur to accomplish the purpose. They saw a carriage coming from the direction of Mr. Kingsford's bungalow and believing that the occupant of the carriage was the unpopular judge they threw the bomb into the carriage with the result that the two English ladies were killed. Two days after, the perpetrators of the crime were arrested—one, Profulla Chakie at once shot himself; the other was tried. He made a public confession and was hanged. Writes Sir Valentine Chirol:—"So, for the Nationalists of Bengal, he became a martyr and a hero. Students and many others put on mourning for him and schools were closed for two or three days as a tribute to

² Bannerjee : *A Nation in Making*, page 248. The case which sent a thrill of indignation throughout the country was that of Susil Sen, a young student of fifteen who was flogged at the triangle for being mixed up in a police fracas. See P. C. Ray : *Life and Times of C. R. Das*, page 51.

his memory. His photographs had an immense sale, and by and by the young bloods took to wearing dhoties with Khudi Ram Bose's name woven into the borders of the garment."¹

A couple of days after the Muzaffarpur murders there came to light a huge revolutionary conspiracy in Calcutta. On May 2nd were seized some bombs, dynamite, cartridges, and correspondence which led to the arrest and trial of some 39 persons including Babu Arabindo Ghose, his brother Barindra Kumar Ghose, Hem Chandra Das and Narendra Gosain—the last became the approver and was shot dead by his two companions in Jail, Kanai Lal Dutt and Satyendra Nath Bose, with smuggled arms. These two men were separately tried. Both were committed and executed.² The remaining 36 were prosecuted for conspiracy to wage war against the King Emperor. The trial before the Sessions Court came to an end on the 13th April, 1909 and resulted in the acquittal of Babu Arabindo Ghose and a few others. Heavy punishments, however, were meted out to the other accused who appealed to the High Court, which finally decided the case, which is known as the Alipur Conspiracy Case, on February 12, 1910, when four men were sentenced to transportation for life, three to ten years, seven to seven years and three to five years' rigorous imprisonment.

In connection with the Muzaffarpur and Alipur cases several other murders took place. As already mentioned the approver Gosain was shot in jail in September 1908. Two months later, Sub-Inspector Nand Lal, who had arrested Khudi Ram Bose, was also murdered. On February 10, 1909, Mr. Ashutosh Biswas, the public prosecutor who had acted in both the Alipur and the Gosain Murder cases, was shot dead while leaving the suburban police court, Calcutta, and on January 24th, 1910, the Deputy Superintendent of Police,

¹ Chirol : Indian Unrest, page 97.

² Kanai Lal achieved almost as great a popularity as Khudi Ram Bose. When he and his companion's bodies were being carried from the Jail to the cremation grounds fifty-thousand men lined the streets of Kalighat to take the dust of their feet. See P. C. Ray : Life and Times of C. R. Dass, page 72.

Mr. Shamsul Alam was shot dead while leaving the High Court buildings, where he was attending the hearing of the appeal in the Alipur Case.

The revolutionaries were strict in maintaining discipline in their ranks and wherever they smelled a traitor they dealt with him mercilessly. In November 1908 three betrayers were shot dead. The revolutionaries also tried to terrorise the police officers, trying magistrates, prosecuting lawyers and hostile witnesses, and they pursued their path fearlessly and unflinchingly. There were several murders and many dacoities—and neither the repressive laws and heavy sentences nor the reforms of 1909 or even of 1919 made them desist from their decided course of action. The revolutionary crime in Bengal unfortunately still continues. However, to return to the period under review, the number of murders and dacoities went on increasing in 1908 and 1909.¹ On the 7th November, 1908, there was an attempt to shoot the Lieutenant-Governor of Bengal, Sir Andrew Fraser, who escaped without any hurt. The assailant was arrested, tried and sentenced to ten years' rigorous imprisonment.

¹ For a full list of revolutionary crimes till the end of 1917, see the Report of the Indian Sedition Committee, 1918.

CHAPTER XVIII.

THE PROGRESS OF THE REVOLUTIONARY MOVEMENT.

I

During the years 1906-10 the revolutionaries were not only active in Bengal but also in some other provinces in India and abroad. In an earlier chapter¹ I have already shown as to how the revolutionary movement had originated in Maharashtra and had resulted in the Rand and Ayerst murders and the murders of the two brothers on whose information Damodar Chapekar was arrested and convicted. Outwardly there was absolute quiet in the Deccan after 1899 but secretly preparations were going on both in Maharashtra and in London for the resumption of revolutionary activities. The leaders of the movement were Shyamji Krishnavarma and the Savarkar Brothers—Ganesh and Vinayak Savarkar.

It appears Shyamji Krishnavarma was somehow connected with the Rand Murder and he quietly slipped away to London. Until 1905 he lived in obscurity but in January of that year he started the Indian Home Rule Society in London with a penny monthly organ, called the *Indian Sociologist*. With the co-operation of Mr. S. R. Rana, who had settled down at Paris, Shyamji Krishnavarma offered six lectureships each of Rs. 1,000 and three travelling scholarships of Rs. 2,000 each to enable Indian youngmen to go abroad for training themselves as national missionaries. One of the young men who thus reached London was Vinayak Damodar Savarkar, a graduate of the Bombay University from the Fergusson College, Poona. He and his elder brother Ganesh were leaders of a Society called *Mitra Mela* which was started about 1899 in connection with the Ganpati cele-

¹ See Chapter XVI.

brations. This society was transformed into a revolutionary association *Abhinav Bharat Society* (Young India Society) shortly before Vinayak Savarkar left for London in June 1906.

When Vinayak Savarkar reached London, Shyamji Krishnavarma was carrying on a vigorous revolutionary propaganda at the India House—the home of the Indian Home Rule Society. But he had to shift to Paris in 1907 as a result of inquiry made in the Parliament about his activities at the India House. He, however, kept himself fully in touch with the life of the Society in London and through Mr. S. R. Rana and the *Indian Sociologist* went on directing the work at the India House. In December 1907 he wrote in the *Sociologist*:—"It seems that any agitation in India must be carried on secretly and the only methods that can bring the English government to its senses are the Russian methods vigorously and incessantly applied until the English relax their tyranny and are driven out of the country. . . ."¹

From the time of his arrival in London Vinayak Savarkar began to take an active part in the work at the India House. He first rendered the auto-biography of Mazzini into Marathi and sent it to his brother Ganesh, who got it printed in Poona from where it was issued to the public. Next he wrote a book on the Mutiny entitled "The Indian War of Independence, 1857" which became a sort of revolutionary text-book at the India House. Passages from it were read at the Sunday meetings where the policy of political assassination was systematically advocated. The Mutiny Day was celebrated at the India House in May 1908, when two leaflets sent by Shyamji Krishnavarma entitled "Oh Martyrs" and "Grave Warning" were distributed to the visitors who were asked to send them separately to India. In June 1908, a lecture was delivered at the India House justifying the use of the bomb and explaining the methods of making them. About this time members of the India House began to practise revolver shooting at a range in London.

Gradually Vinayak Savarkar became the acknowledged

¹ Quoted in the Sedition Committee Report, 1918, page 6.

leader of the group at the India House. He pushed ahead preparations for revolutionary work in India. In February 1909 he sent "a parcel of 20 Browning automatic pistols with ammunition to Bombay concealed in the false bottom of a box forming part of the luggage of one Chaturbhuj Amin, who had been employed as a cook at the India House".¹ The pistols were to be used by the members of Abhinav Bharat Society which was working under the direction of Vinayak's brother Ganesh Savarkar. But before the parcel reached India, Ganesh Savarkar had been arrested upon a charge of waging war against the King on March 2nd, 1909, and the parcel had to be received by a friend who had previously been taken into confidence.

The charge against Ganesh Savarkar was based upon "a series of inflammatory verses published early in 1908 under the title of *Laghu Abhinav Bharat Mela*" which preached, according to the judge of the Bombay High Court, who finally decided the case, the text, "take up the sword and destroy the Government because it is foreign and oppressive."² Ganesh was sentenced to transportation on the 9th June, 1909, and Vinayak was informed by cable of the sentence. "At the usual Sunday meeting of the India House on the 20th June Vinayak Savarkar was especially violent and repeated his oath to wreak his vengeance on the English."³

News of the heavy sentences on the youngmen in Bengal affected the minds of the members of the India House. One of them, Mr. Madan Lal Dhingra, decided "to shed English blood as a humble protest against the inhuman transportations and hangings of Indian youths,"⁴ and on July 1st, 1909, shot Sir William Curzon Wylie, the Political A.D.C. at the India Office at a gathering at the Imperial Institute in London.⁵ Dhingra was arrested and executed. The organisation at the India House came to an end. Vinayak Savarkar

¹ Sedition Committee Report, 1918, page 9.

² *Ibid*, page 8.

³ *Ibid*, page 9.

⁴ From the statement of Dhingra found in his pocket at the time of arrest, quoted on page 9, Sedition Committee's Report, 1918.

⁵ Dr. Lalkaka was also killed at the meeting.

was arrested and sent to Bombay¹ where he was wanted for trial on very grave charges. He was later tried and sentenced to transportation for life.

In the meantime, the members of the Abhinav Bharat Society—it is suggested by Sir Valentine Chirol, on the instigation of Vinayak Savarkar—decided to murder Mr. Jackson, the District Magistrate of Nasik, who had committed Ganesh Savarkar for trial, as a kind of retribution ; and, on the 21st December, 1909, Mr. Jackson was shot dead by a young Brahmin from Aurangabad with one of the Browning pistols sent by Vinayak Savarkar from London. "For the murder of Mr. Jackson seven men, all Chitpavan Brahmins, were brought to justice and three of them were executed."²

In the course of investigations into the murder of Mr. Jackson, the police discovered what is called the Nasik Conspiracy Case, in which 38 men were charged, out of whom 27 were sentenced to various terms of imprisonment. The Nasik Conspiracy was the work of the Abhinav Bharat Society of Nasik which was organised on the model of Russian Revolutionary Societies. The members were divided into several small groups in the various parts of Western India. Men in each group worked together ; they were bound by secret oaths ; and although they worked for the same object and drew weapons from the same source they had no personal acquaintance with the members of other groups. Ganesh Savarkar was their leader and Vinayak Savarkar was their guide, friend and philosopher. From London he supplied them with typed copies of instructions for the manufacture of bombs and with revolutionary literature. He also sent fire-arms from abroad and worked up their mind to commit acts of terrorism.

The Abhinav Bharat Society had ramifications even in the neighbouring States. There was a New Bharat Society in Gwalior, 22 members of which were prosecuted in 1909 for

¹ On the way he escaped at Marseilles from the steamer and claimed protection under International law, as a political prisoner on foreign soil, but was re-arrested and taken to the steamer.

² Sedition Committee Report, 1918, page 10.

a conspiracy to wage war against the King-Emperor. The case—Gwalior Conspiracy Case—was tried by a Special State Tribunal. Most of the accused were sentenced to various terms of imprisonment.

A branch of the Abhinav Society had existed since 1907 in Satara ; but during 1910 three members were charged with a conspiracy to wage war. The Satara Conspiracy Case resulted in the conviction of all the accused who were sentenced to imprisonment.

The revolutionary organisation had spread to the various parts of Western India. Even Gujrat was not free from the revolutionaries. In November 1909, an attempt was made at Ahmedabad to blow off the carriage in which Lord and Lady Minto were driving through the city. Two cocoanut bombs were thrown which however did not explode though one of them exploded afterwards when it was picked up by a passerby whose one hand was blown off.

II.

Such was the work of the revolutionaries in the Deccan during 1906-10. There was some activity in the Madras Presidency as well. In April 1907, Mr. Bipin Chandra Pal had made a lecture tour in Madras and had preached the gospel of *Swaraj* and had stirred the minds of young men. In October 1907, he was sentenced to six months' imprisonment for refusing to give evidence in a sedition case against Mr. Arabindo Ghose. Two of his Madrasi admirers—Subramniam Siva and Chidambram Pillai—planned to celebrate his release on the 9th March, 1908, by holding a public meeting, hoisting the flag of *Swaraj*, and by pledging to boycott everything foreign. They were both arrested on the 12th March and on the next day there was a serious riot in Tinnevely. "It was marked by wholesale and deliberate destruction of Government property in open defiance of the constituted authority. Every police building in Tinnevely town except the Sub-Registrar's Office was attacked. The furniture and records of these buildings were set on fire as well

as portions of the buildings themselves ; the municipal office was gutted. Twenty-seven persons were convicted and sentenced for participation in the riot."¹

There followed prosecutions of newspaper editors and popular speakers. The centre of authority was shifted to Pondicherry and a group of youngmen began to organise themselves there for revolutionary work. The main incentive and guidance was given by M. P. Tirumal Acharya who was connected with both the London India House and the Paris group of Indian Revolutionaries, and V. V. S. Aiyer, who was with Vinayak Savarkar in London and was later in Paris. Mr. Aiyar reached Pondicherry and began to prepare the young men who had already gathered there for revolutionary work, especially by training them in revolver shooting. One of these men who practised revolver shooting was Vanchi Aiyer, who later shot Mr. Ashe, the District Magistrate of Tinnevely, on 17th June, 1911. He was tried and executed. His associates were also arrested and a revolutionary conspiracy was discovered. The Tinnevely Conspiracy Trial—as it came to be called—resulted in the conviction of nine men who were sentenced to various terms of imprisonment.

In the last two sections reference has been made to the work of Indian revolutionaries from London and Paris. On the continent of Europe there was an active group of Indian revolutionaries during the period under review. It was led by Shyamaji Krishnavarma, S. R. Rana, Cama and Madame Cama who tried to do vigorous propaganda among the students and members of the professional classes in India through newspapers, journals, leaflets, etc., which were secretly sent to persons likely to be influenced in the various parts of India. Besides the *Indian Sociologist* of Shyamaji Krishnavarma the *Bande Mataram* which was edited by Mme. Cama and issued from Geneva was very active. Another centre of revolutionary propaganda abroad was on the Pacific coast of America. There were two distinct associations—the Indo-American Association

¹ Sedition Committee Report, 1918, page 163.

and the Young India Association—with their head-quarters in California and branches in Chicago, New York and other important American cities. "The moving spirits are students, chiefly from Bengal, who have found ready helpers amongst the Irish-American Fenians. They have also been able to make not a few converts amongst the unfortunate British-Indian immigrants who suffered heavily from the anti-Asiatic campaign along the Pacific slope, and some of these converts, being Sikhs and old soldiers, were of special value, as through them direct contact could be established with the regiments to which they had belonged, or, at any rate, with the classes from which an important section of native army is recruited. Large quantities of seditious leaflets, circulated broadcast three years ago among sepoys, were printed in America."¹

The Indo-American Association was mainly a propagandist society. It had as its organ *Free Hindustan* published periodically. But the Young India Association was organised on the model of Irish Revolutionary Societies and had its "head centres" and "inner" and "outer circles" and devoted itself chiefly to the study of explosives and to smuggling arms into India. It is asserted by Sir Valentine Chirol "that both these associations were in frequent communication with the seditious press all over India, in the Deccan as well as in Bengal and in the Punjab."²

IV

The movement in the Punjab in 1907-08 was not really revolutionary. It is true that the situation was serious in the Punjab during the spring and summer of 1907, as pointed out by the Lieutenant-Governor, Sir Denzil Ibbetson. There was grave discontent in the province which broke out into riots at two places—Lahore and Rawalpindi. But there were no secret societies plotting violent crime as in Bengal, Maharashtra and Madras.

The national movement had stirred the minds of the

¹ Chirol: *Indian Unrest*, page 147.

² *Ibid*, page 147.

educated classes in the Punjab. The teachings of Swami Dayanand had helped to create a spirit of independence and *Swadeshi* among the Hindu young men ; and the happenings in Bengal could not but influence them. Vigorous national propaganda was being carried on in the Indian Press and some of the papers went beyond constitutional limits. Their editors and printers were prosecuted and punished. But no action was taken against the Anglo-Indian papers which were preaching racial hatred and enmity. The *Civil and Military Gazette* of Lahore was the worst offender. It carried on a systematic campaign against the educated classes by calling them all sort of names and by spreading false alarms of revolt. It gave out that the 50th Anniversary of the Mutiny (May 10, 1907) would be marked by another big rising against the British. This was taken seriously and preparations were made in several Punjab towns for the protection of British lives—by making arrangements for the withdrawing of British residents into the forts. Writes Mr. Nevinson :—"But in spite of all that prophesy could do, no outbreak occurred."¹

However, the vigorous anti-Indian propaganda of the Anglo-Indian Press and the surge of the nationalist movement in Bengal with the prevalence of natural calamities like the plague and the famine and the adoption of unwise agrarian measures by the Government had created a very tense situation in the Punjab during 1907-08. In April 1907 the public opinion in Lahore was running very high owing to the prosecution of two Indian papers "*India*" and "*the Punjabee*". The editor and the proprietor of *India* was sentenced to five years' imprisonment and the printer to two years' for publishing a letter from America containing a seditious appeal to the native troops."² The *Punjabee* was prosecuted for its comments on a *Begar* Case in which two villagers, who were forced to work for an official, were said to have died as a result of forced labour. The proprietor was finally sentenced (on appeal) to a fine of Rs. 1,000 and an imprisonment of six months and the

¹ Nevinson : The New Spirit in India, page 20.

² *Ibid*, page 18.

editor to a fine of Rs. 200 and an imprisonment of six months. On the 16th April, 1907, the final judgment was delivered by the Lahore High Court in the *Punjabee* Case. As soon as the people heard of it they gathered in large numbers and they met the prisoners as they were being taken to jail. There was great enthusiasm and commotion, leading to a riot.

However, the troubles in the Punjab were largely agrarian in their origin.¹ It is admitted by the biographer of Lord Minto that the disturbances were largely due "to the unwise handling by the Local Government of the Canal Colonies."² Land-revenue was considerably increased; the irrigation rates, especially on the Bari-Doab Canal were raised and above all the Government attempted to go back on their word in connection with the possession of reclaimed lands in the Chenab Colony. A Colonisation Bill was rushed through the Punjab Legislative Council altering the agreements made under the Act of 1893. There was strong agitation against these measures. The leaders of the movement were Mr. Ajit Singh and Syed Hyder Riza. They had formed an "Indian Patriots' Association" for the purpose. Various meetings were held all over the Province, especially in the places affected. A meeting was held at Lyallpur on March 22nd, 1907, where Lala Lajpat Rai had been invited to speak. He criticised the Government measures which he held were responsible for the increasing discontent. Mr. Ajit Singh also spoke at the meeting. This coincidence of both of them speaking at the same meeting was perhaps responsible for the later deportation of the two gentlemen together—Lala Rajpat Rai and Mr. Ajit Singh—under the old and musty Regulation of 1818.

The increase in the land-revenue was specially great in the Rawalpindi district. Two meetings were held in April 1907 at Rawalpindi to protest against the heavy increase. At the second meeting held on the 21st April Mr. Ajit Singh was the chief speaker. The President, Lala Hans Raj, stopped

¹ For causes of the troubles see Lajpat Rai : Story of my Deportation. Appendix B.

² Buchan : Lord Minto, page 256.

Mr. Ajit Singh when his speech became really violent ; but, a few days after, a notice was served on the President and two other respectable pleaders, Lala Amolak Ram and Lala Gurdas Ram, who were also connected with the meeting of April 21st, requiring them to attend on May 2nd, at 11 A.M. at the public enquiry to be held for the purpose of prosecuting them under Sections 124A and 505 of the Indian Penal Code. The three Lawyers—and also Lala Lajpat Rai, who had reached Rawalpindi to render what help he could to his lawyer friends—considered the notice illegal and decided not to put in personal appearance. They, however, authorised two young barristers, Mr. Aziz Ahmad and Mr. Bod Raj, to watch the proceedings on their behalf. A large crowd gathered near the Court of the District Magistrate on the morning of 2nd May. It was swelled by a large number of workmen who had struck that morning at the Government Arsenal, the Railway Workshop and the private workshop of R. B. Sirdar Boota Singh. And as the hour passed eleven and the District Magistrate did not arrive, the crowd became very restive. At last he reached at 12. 30 but instead of proceeding with the public enquiry postponed it till further notice—it appears owing to orders from the Punjab Government. When the crowd learnt of the postponement it lost its temper and “instead of dispersing, swept down a main road, destroyed and burnt some furniture from a mission house and church, and damaged some gardens and houses of Europeans together with a Hindu workshop, where the men were on strike. The police did not appear, but troops patrolled the town later.”¹

For this riot six prominent lawyers, including the three who were connected with the meeting of 21st April, and sixty other persons were arrested. All the six lawyers were acquitted on October 1st after being kept in jail in great discomfort during the hottest months in the year, “the magistrate declaring the evidence was fabricated.” Out of the remaining accused five persons were sentenced, three to seven years’ imprisonment for riot and arson.

¹ Nevins : The New Spirit in India, page 19.

The situation in the Punjab later improved mainly owing to the vetoing of the Colonization Bill by the Viceroy, Lord Minto—who considered it as “an unjust Bill.” He wrote to Mr. Morley in this connection:—“I hate the argument that to refuse to sanction what we know to be wrong is a surrender to agitation and an indication of weakness. It is far weaker, to my mind, to persist in a wrong course for fear of being thought weak.”¹ Writes Lord Minto’s Biographer: “So he disallowed the Bill, with the most fortunate consequences.”¹

¹ Buchan : Lord Minto, page 257.

CHAPTER XIX.

REPRESSION AND REFORMS.

I.

Lord Minto arrived in India in November 1905 ; and, in the December of the same year, Mr. John Morley, as he then was, became the Secretary of State for India in the new liberal ministry which replaced the old conservative Government in England. There was thus a complete change in the headship of the government both in India and in England. Both the new heads realised almost at once that the grave situation in India which their predecessors had bequeathed to them called for a radical—though not a “revolutionary”—change in Indian policy and the machinery of Indian government ; and they agreed to co-operate together, in one and the same spirit, for the purpose. There were differences between the two but not fundamental differences. In a letter dated June 6, 1906, Lord Morley wrote to Lord Minto :—

“*Fundamental* difference between us, I really believe there is none. Not one whit more than you do I think it desirable or possible, or even conceivable, to adapt English political institutions to the nations who inhabit India. Assuredly not in your day or mine. But the *spirit* of English Institutions is a different thing, and it is a thing that we cannot escape even if we wished, which I hope we dont. . . .

“Suppose the designs of the extreme men are so mischievous, impracticable, and sinister as anybody pleases. Call them a band of plotters, agitators, what you will. Is that any reason why we should at every turn back up all executive authority through thick and thin, wise or silly, right or wrong? Surely that is the very way to play the agitator’s game. It really sets up his case for him. Everybody warns us that a new spirit is growing and spreading over India ; Lawrence, Chirol, Sidney Low, all sing the same song : ‘You

cannot go on governing in the same spirit ; you have got to deal with the Congress party and Congress principles, whatever you may think of them : be sure that before long the Mohammedans will throw in their lot with the Congressmen against you', and so forth and so forth."¹

Both the Secretary of State and the Viceroy were being influenced by the rapid growth of the new national spirit in India and were beginning to realise the necessity of at least rallying the moderates to their side. The moderates on their part were anxiously and expectantly looking to the radical John Morley of Irish fame to initiate a policy of reform and reconciliation. One of their leaders, the selfless and sagacious Mr. Gopal Krishna Gokhale, the founder of the new political order "The Servants of India Society", was exerting himself to the utmost in persuading the Government both in India and in England to come to terms with the Congress. And a study of both Lord Minto's biography and Lord Morley's Recollections does leave the impression that Mr. Gokhale was to no small extent responsible for the adoption of the policy of reform and reconciliation by the two Heads of the Government of India.

In his budget speech in March 1906, Mr. Gokhale made an appeal to Lord Minto which had its effect. He said :—"The question of the conciliation of the educated classes raises issues which will tax all the resources of British statesmanship. There is but one way in which this conciliation can be secured, and that is by associating these classes more and more with the government of their country"² Lord Minto at once consulted the prominent members of his Council about the desirability of appointing an Indian to the Executive Council. "He found the majority of his advisers strongly against the proposal, and he did not report the discussion to the Secretary of State, since he intended to open the whole question later."²

¹ Morley : Recollections, Vol. II, pages 172-4.

² Buchan : Lord Minto, page 231.

After the session of the Legislative Council at Calcutta Mr. Gokhale went to England and saw Mr. Morley several times.¹ The Prince of Wales had then just returned from his Indian tour and had told the Secretary of State that the National Congress had become a great power.² Mr. Gokhale told the story of the growth of the national spirit and of "extremism" to Mr. Morley in his own way. He also saw the radical members of the House of Commons. After the first interview Mr. Morley wrote to the Viceroy:—"My own impression formed long ago, and confirmed since I came to this office, is that it will mainly depend upon ourselves whether the Congress is a power for good or for evil." He then went on to speak of "the strong currents of democratic feeling that are running breast high in the H. of C." and of the necessity of keeping the House of Commons in good humour. "You know that I will not yield an inch to them in the way of mischief—but the British radical now prominent in the H. of C. does *not* mean mischief, and I think Gokhale does not mean to lead him that way, if the said G. is rightly handled."²

The Secretary of State it appears took Mr. Gokhale in confidence and somehow managed to win his support.³ He initiated the policy of reform—and though the ultimate proposals were regarded even by some of the Moderates as both disappointing and mischievous, Mr. Gokhale gave them his warm support, as will be seen later. However, the ball of reform was set into motion by the letter of June 15, 1906

¹ Mr. Gokhale had five interviews between May 9th and August 1st, 1906.

² Morley: *Recollections*, Vol. II, page 171.

³ The story of how this was done is told in a letter by the Secretary of State to the Viceroy dated August 2, 1906. At his last interview with Mr. Gokhale on August 1st, 1906, Mr. Morley said to him:—"For reasonable reforms in your direction, there is now an unexampled chance" and he recounted the favourable circumstances. "Only one thing can spoil it. Perversity and unreason in your friends *I ask you for no sort of engagement.* We are quite in earnest in our resolution to make an effective move. If your speakers or your newspapers set to work to belittle what we do, to clamour for the impossible, then all would go wrong." Mr. Gokhale acquiesced cordially and wrote to his friends in India pitching "a most friendly and hopeful note." Pages 181 and 182, Morley's *Recollections*.

of the Secretary of State to the Viceroy. Lord Morley wrote :—
*"I wonder whether we could not now make a good start in the way of reform in the popular direction. If we don't, is it not certain that the demands will widen and extend into "National" reasons, where I at least look with a very doubting and suspicious eye? Why should you not now consider as practical and immediate things—the extension of the Native element in your Legislative Council; ditto in local Councils; full time for discussing Budget in your L. C. instead of four or five skimpy hours; right of moving amendments. (Of course officials would remain a majority). If I read your letters correctly, you have no disposition whatever to look on such changes as these in a hostile spirit: quite the contrary. Why not, then, be getting ready to announce reforms of this sort? Either do you write me a despatch, or I'll write you one—by way of opening the ball. It need be no long or high-flown affair. I suppose the notion of a Native in your Executive Council would not do at all. Is that certain? I daresay it is—and it would frighten that nervous personage (naturally nervous) the Anglo-Indian."*¹

Lord Minto agreed heartily with the Secretary of State and suggested the desirability of putting aside for the present the question of appointing an Indian to the Executive Council and of directing the attention to the development of Legislative Councils. And he ended by writing : "I attach great importance to the Official initiative being taken by the Government of India."²

As a first step towards taking the initiative Lord Minto, following the example of Lord Dufferin, appointed in August 1906, a Committee of his Council consisting of Sir A. T. Arundal, Sir Denzil Ibbetson, Mr. Erle Richards and Mr. Baker—with Sir A. T. Arundal as chairman and Mr. H. Risley as Secretary—to consider the whole question of political reforms. Lord Minto wrote a Minute for the guidance of the

¹ Morley : *Recollections*, Vol. II, page 174.

² Buchan : Lord Minto, page 234—letter dated 11th July, 1906.

Committee, which naturally formed the basis for the consideration of the Committee.

In this minute Lord Minto drew the attention of the Committee to the changed conditions in India and to the political problems of the country. "To what extent the people of India as a whole are as yet capable of serving in all branches of administration, to what extent they are individually entitled to a share in the political representation of their country, to what extent it may be possible to weld together the traditional sympathies of many different races and different creeds; and to what extent the great hereditary rulers of native states should assist to direct imperial policy, are problems which the experience of future years can alone gradually solve." Nevertheless, it was necessary to move forward and "the Government of India should not be put in the position of appearing to have its hands forced by agitation in this country, or by pressure from home"¹ Lord Minto then went on to describe the important political interests that needed protection—the hereditary nobility and the landed classes; the trading, professional and agricultural classes; and the planting and commercial European community. He also laid stress on the necessity of maintaining "a stable and effective administration." "The subjects he proposed for the Committee's consideration were: (a) a Council of Princes, and, should this be impossible, whether they might be represented in the Viceroy's Legislative Council; (b) an Indian member of the Viceroy's Executive Council; (c) increased representation on the Legislative Council of the Viceroy and of local governments; and (d) prolongation of the Budget debate, and increased power of moving amendments."²

The Arundal Committee submitted its report to the Viceroy in October, 1906. Lord Minto circulated it—with a note of his own specially dealing with the question of the appointment of an Indian to the Viceroy's Council, on which

¹ Buchan : Lord Minto, page 241.

² *Ibid*, page 240. The whole minute is given in Mukherjee : Indian Constitutional Documents, Vol. 1, pages 251 to 253.

the Committee was evenly divided, to the other members of the Executive Council. The proposals of the Arundal Committee were discussed at length in many a meeting of the Council and it was not till about the close of March 1907 that the Government of India was able to send its views to the Secretary of State who was getting very impatient at the delay.¹ An announcement was made in this connection by Lord Minto in the Legislative Council on March 27th, 1907.

The Secretary of State lost no time in consulting the Cabinet and his Council on the Government of India Dispatch of March 1907, and authorised the Government of India to consult the Local Governments and to invite public opinion on its proposals. The Government of India drew up a Circular, dated the 24th August, 1907, and sent it to the various Local Governments and administrations for opinion. It was also published for public information and opinion. It took over a year to gather the views of the Local Governments and others; and it was not till October 1st, 1908, that the next step was taken in the matter of reforms.

II.

In the meantime serious situation was arising in the various parts of the country. In Bengal there was raging a veritable storm. The Lieutenant-Governor of the newly-created province of Eastern Bengal and Assam handled the situation most tactlessly. He tried to terrorise the people by quartering batches of Gurkha troops in many of the important places in the province. Lord Minto, says his biographer, "was convinced that Sir Bampfylde's administration was a serious danger" but "shrank . . . from a step which would certainly be misconstrued by the critics of the Government . . . Then in July (1906) an incident happened which was

¹ On February 15th, Lord Morley had written to the Viceroy expressing his inability to see why the Executive Council should take such a long time to come to decision on questions on which the Arundal Committee was able to form opinions in a reasonable time. He wrote, "But the time is one thing, and eternity is another. And I wholly fail to see what new material, either of argument or fact, time is likely to bring to view." (Morley : *Recollections*, Vol. II, page 204).

not quite unwelcome to either the Viceroy or the Secretary of State."¹ This was the question of disaffiliation of two schools whose students were "guilty of violently unruly conduct in the town"² of Serajganj. The Lieutenant-Governor had asked the Calcutta University to disaffiliate the schools but the Government of India considered the step impolitic at the time and asked Sir Bampfylde to withdraw his request. On this Sir Bampfylde gave an ultimatum to the Viceroy—either to allow him to proceed with the matter of disaffiliation or to accept his resignation. Writes Lord Morley: "Lord Minto was quite alive to the objection against changing a Lieutenant-Governor in the face of agitation, but it became everyday more evident that the administration of the new Province was unreliable and might lead to further difficulties—so the resignation was accepted. I telegraphed concurrence without delay."²

The situation was badly handled not only in Eastern Bengal but also in the Punjab as well. In stead of relieving agricultural distress and removing the causes of trouble—which, as has already been described above,³ was largely agrarian in origin—the Punjab Government decided to adopt strong measures and to press the Government of India to deport Lala Lajpat Rai and Sardar Ajit Singh, under the old Regulation III of 1818. Lala Lajpat Rai had come into prominence in several capacities. He was a religious reformer and an educationist and a leader of the Arya Samaj. He was a philanthropist and a social worker. He had a genuine love for the masses and the suffering people. He was also a prominent Congressman and was one of the three important leaders of the new party—"the extremists". He was a speaker of eloquence and effect specially in Urdu. And the Government was suspicious of his independence and growing influence. On the other hand his countrymen—even those who differed from him in both religion and politics—regarded him

¹ Buchan : Lord Minto, page 237.

² Morley : Recollections, page 184.

³ See Chapter XVIII *supra*.

as an honest and selfless patriot, the soul of honour and incapable of conspiring against the Government or tampering with the loyalty of troops or of doing any underhand action.¹ His criticism of the Government policy was frank and open. His connection with the agrarian agitation was slight. It was only once that he addressed a meeting in company with Sardar Ajit Singh. The Sardar was a farmer in the Lyallpur District and was little known previously. He rose to prominence as one of the chief organisers of the agrarian agitation of 1906-7. He was a powerful and even a violent speaker and was a great favourite with popular audiences. The Government was alarmed at the rapid spread of the agitation and thought that the best way to stop it was to deport Sardar Ajit Singh and Lala Lajpat Rai under Regulation III of 1818. The Governor-General in Council issued a warrant of commitment for the arrest and deportation of the two gentlemen and they were both deported separately on May 9, 1907 to Mandalay in Burma. The Viceroy also issued an Ordinance on May 11, 1907, called the Regulation of Meetings' Ordinance, limiting stringently the right of holding public meetings. According to the Ordinance, organisers of the public meetings were required to give seven days' written notice. Magistrates were empowered to prohibit meetings and those meetings which were not prohibited were to be attended by the police. This Ordinance was to be applicable to such areas as were notified by the Governor-General in Council. The Ordinance was applied at once to the Punjab and Eastern Bengal.

The deportation of Lala Lajpat Rai caused a great consternation among the people in various parts of the country and it had the effect of stiffening the backs of young men

¹ Referring to the deportation of Lala Lajpat Rai, Mr. Gekkhale said in the Indian Legislative Council :—"That a man like Lala Lajpat Rai, loved by a thousand not in his own province only, a man of high character and of elevated feelings, a keen religious and social reformer, and a political worker, who, whatever his faults, worked in broad daylight, should have been arrested and deported without a trial—this was a proceeding which stunned the people throughout India." Page 43, Proceedings of the Indian Legislative Council, Vol. XLVI, 1907-8.

especially in Bengal and of converting them into extremists and even believers in violence and terrorism. Conditions in the two Bengals were already bad enough. The Government policy of favouring the Mohammedans and of quelling all opposition to the Partition was driving the people to extremism of both words and action. "A section of Bengali Press had cast off all sense of restraint and began to indulge in downright and unabashed license."¹ The Government of Bengal decided to prosecute the various papers that were carrying on anti-Government agitation. A regular campaign was started and the first paper that was prosecuted was the *Bande-Mataram*, an English nationalist daily, edited by a board including Babu Arabindo Ghose. The Government charged Arabindo Ghose and the printer with sedition in August 1907. Although it was well-known that Arabindo Ghose was the life and soul of the paper no witness was found to attest to the editor's name.² When Mr. Bipin Chandra Pal was called to give evidence he refused to take any part in the proceedings, declaring that, in his opinion, the prosecution was detrimental to the interests of the country. For this Mr. Pal was prosecuted and sentenced to six months' simple imprisonment. However, the case against Arabindo Ghose broke down and he was acquitted. The printer was convicted and sentenced to three months' imprisonment.

About this time the editors of *Sandhya* and *Yugantar*, the powerful vernacular papers, edited respectively by Brahmabandhab Upadhyaya and Bhupendra Nath Dutt, were also prosecuted. Mr. Upadhyaya submitted a written statement in which he said :— "I do not want to take part in the trial, because I do not believe that, in carrying out my humble share of the God-appointed mission of Swaraj, I am in any way accountable to the alien people, who happen to rule over us and whose interest is, and must necessarily be, in the way of our true

¹ Ray : The Life and Times of C. R. Das, page 55.

² There was no law then which required the newspapers to declare the names of their editors as at present.

national development".¹ This is the first instance, as far as I have been able to ascertain, of non-cooperation with British Courts, which became such a common feature of the postwar non-cooperation movements. However, the case took an unexpected turn when the accused died in the Campbell Hospital in Calcutta before the preliminary stages had been concluded."¹ Mr. Dutt's defence failed and he was sentenced to one Year's rigorous imprisonment. Four more prosecutions were brought against the *Yugantar* within the next few months and each time the editor and printer were sentenced to imprisonment. But the paper continued its existence and propaganda.

Whilst these prosecutions were being launched in Bengal and the Punjab the Government of India was pressing upon the Secretary of State the necessity of passing a special press law. A dispatch was sent from India in this connection in July 1907—which confesses Lord Morley, gave him "some shivers."² But the Government of India was bent on adopting strong and repressive measures. The Secretary of State resisted in the beginning. At times he wrote strongly about the conduct of some of the official members³—whom he generally called by the hated Russian name of "Tchinovniks." And when the Government of India approached Lord Morley for sanction for enacting a measure for the Prevention of Seditious Meetings, as it was called, he burst forth in great indignation.⁴ He wrote to the Viceroy not to pay any heed to the advice of men "who resisted you in your Arundal reforms" and "who urged us to take advantage of disorder at Lahore and Pindi, as a plea for dropping Arundal reforms!"⁵ And he telegraphed his "flat veto", characterising the proposals as most extraordinary, reactionary and unnecessary. However,

¹ Ray: *The Life and Times of C. R. Das*, page 57.

² Morley: *Recollections*, Vol. II, page 226.

³ "To tell you the truth", writes Lord Morley to Lord Minto, "the more I think both of—and—the less do I value the judgment of either one or the other. And now by the way, that we have got down the rusty sword of 1818, I wish you would deport—and—(two officials)." *Ibid*, page 214.

⁴ The reply of Lord Morley is worth reading—see *Ibid*, pages 231-33.

⁵ *Ibid*, page 231.

ultimately the Secretary of State succumbed¹ to the insistent and persistent demands of the bureaucracy in India and allowed the Government of India to enact a series of repressive measures and to enforce them with great severity on the people.

III.

The first of these repressive measures was the prevention of Seditious Meeting Act, passed on November 1st, 1907, which was described by the Home Member himself as "a repressive measure of considerable potency."² The Regulation of Meetings Ordinance promulgated on May 11th was due to expire on November 10th, as the life of an Ordinance is limited by law to six months. Although no case was made for the continuation of the restrictions³ the Government of India decided to give them a new lease of life and in a more stringent form by the Seditious Meetings Act of 1907. A few improvements were introduced by the Council but in spite of them the measure was severely repressive. The Act gave the power to the Government of India to apply it to any province of India. The Local Authorities required three days' notice of every meeting of more than 20 persons proposed to be held for any purpose whatsoever. The clause defining public meetings was so wide that social meetings held in private houses could be considered public meetings. It was this which had especially appalled Lord Morley. He wrote that the proposal to put in operation a Press Law on the exclusive initiative of the military authorities was bad and novel enough ; but this motion of turning a private meeting into a public one almost beats it ! And the notion of giving the Lt.-Governor or other authority the right of forbidding a speaker whose views he dislikes to open his mouth in a given area ! Let—go for an

¹ No doubt, with great hesitation, trepidation and against his best instincts.

² Proceedings of the Legislative Council, Vol. XLVI, page 25.

³ Read the speech of Mr. Gokhale on the bill, specially page 34 of the Proceedings Vol. XLVI. Mr. Gokhale gave facts and figures :—During the previous six months only one meeting was held in the Punjab at Delhi without leading to any disturbance of the peace. In Eastern Bengal not a single meeting was held—the projected meeting at Faridpur was abandoned owing to stringent restrictions imposed on the topics of discussion.

honest guillotine and have done with it. . . .'¹ The authorities were given the power of prohibiting any public meeting and to forbid any person from addressing a public meeting ; to impose any restrictions that they may deem fit in the interests of public peace on the meetings that were allowed to be held and to send the police to attend all meetings. The attempt was, as Sir Rashbehari Ghose pointed out, to kill all political life in the country.² The two chief improvements that were made in the Select Committee were that the Act should remain in force only for three years and that the order of a Local Government proclaiming any area as notified under the Act should be in force only for six months at a time. But these did not and could not reduce the rigour and the extraordinary repressive nature of the Act. As was pointed out by Dr. Rashbehari Ghose the Act resembled more a Russian *Ukase* than any law of a civilised State.³

IV.

The repressive policy of the Government, as was predicted by the Moderate leaders,⁴ drove the discontent underground. Secret societies began to multiply rapidly and the number of revolutionaries among the youngmen of Bengal increased considerably. And the terrorist crime appeared on the scene. "Bureaucracy was alarmed, startled at the result of its own blunders. It sought to restore the situation and to ensure the ends of peace, and of law and order, by repressive measures which followed one another in rapid succession, chilling the public life of the country, and stunting its growth and development.⁵ On one single day (June 8, 1908), by suspending ordinary rules of procedure, when hardly any independent Indian was present, the Government of India pushed through

¹ Morley : Recollections, Vol. II, pages 232-33.

² Proceedings of the Legislative Council, Vol. XLVI, page 54.

³ *Ibid*, page 49.

⁴ See the speech of Dr. Ghose in the Council, page 53, Proceedings of the Council, Vol XLVI. In commenting on the potency of the measure Dr. Ghose said :—"It will be potent for one purpose and one purpose only. For the purpose of propagating the bacillus of secret sedition."

⁵ Banerjee : A Nation in Making, page 249.

the Council two most potent repressive measures—the Explosive Substances Act and the Newspapers (Incitement to Offences) Act.

There was already an Explosives Act—that of 1884—on the statute book. Besides, there was also the Indian Arms Act of 1878. Finally there were provisions in the Indian Penal Code relating to hurt or mischief caused by explosive substances prescribing punishment up to transportation for life. But the Government considered the existing law insufficient and defective to meet the new situation created by the appearance of the bomb and passed the Act of 1908.

The new Act dealt not only with explosives but also with the materials and implements which could be used in their manufacture ; and any one who was found in possession or control of them in suspicious circumstances was punishable with transportation for fourteen years or imprisonment for five years.¹ The Act did not deal with explosions which resulted in loss of life—because they were punishable as murders—but with all other explosions and prescribed heavy punishments for causing them.² Even if no explosion was actually caused but an intent and an attempt to cause it was established the offence became punishable with transportation for twenty years or imprisonment for seven years,³ and, lastly, “any person who, by supply of or solicitation for money, the providing of premises, the supply of materials, or in any manner whatsoever, procures, counsels, aids, abets, or is accessory to, the commission of any offence under this Act, shall be punished with the punishment provided for the offence.”⁴

The second Act passed on the 8th June, 1908, which was not considered as repressive at all by the Home Member but which was regarded by the Indian public opinion as severely repressive, was the Newspapers (Incitement to Offences) Act, 1908. The object of the Act was, as explained by the Home

¹ Clause 5 of the Act, Agarwala : “The Lawyers’ Vade Mecum for criminal courts, Vol. 1, page 53.

² Clause 3, *Ibid*, pages 51 & 52.

³ Clause 4, *Ibid*, pages 52 & 53.

⁴ Clause 6, *Ibid*, page 53.

Member in the Council, "to put an end to their [i.e. of Newspapers], which contain "any incitement to murder or any offence under the Explosive Substances Act, 1908, or to any act of violence,"¹ existence by giving power to confiscate the printing press and to extinguish the newspaper."² The Act empowered a District Magistrate to confiscate the printing press where a newspaper which in his opinion contains incitement to acts of violence is printed or is intended to be printed by a conditional order and to call upon persons concerned to appear before him to show cause as to why the order should not be made absolute.³ If on hearing the evidence the Magistrate is satisfied that the newspaper has committed the offence the conditional order shall be made absolute⁴ and he may empower a police officer to attach the press and other property mentioned in the order.⁵ In cases of emergency the Magistrate could issue warrants for attachment even before the order is made absolute.⁶ On the intervention of the Secretary of State some semblance of judicial proceedings was given to this act of confiscation⁷ and a right of appeal to the High Court was allowed within fifteen days of the date of the order being made absolute.⁸ Lastly, the Act gave the Local Government the power to annul the declaration made by the printer or publisher of the newspaper under the Press and Registration of Books Act, 1869⁹ with the result "that the newspaper will cease to lawfully exist."¹⁰

V

Whilst these special measures were being rushed through the Council the Government was launching a series of prosecutions for sedition under Sections 124A and 153A in almost

1 Clause 3, Ghosh : Press & Press Laws in India, page 63.

2 Proceedings of the Legislative Council, Vol. XLVII, page 92.

3 Clause 3, sub-section 1, Ghosh : Press and Press Laws in India, pages 63 and 64.

4 Clause 3, sub-section 5. *Ibid*, page 64.

5 Clause 4, *Ibid*, pages 64 & 65.

6 Clause 2, sub-section 3, *Ibid*, page 64.

7 Morley : Recollections, page 260.

8 Clause 5, Ghosh : Press & Press Law in India, page 65.

9 Clause 7, *Ibid*, page 65.

10 Proceedings of the Legislative Council, Vol. XLVII, page 13.

all parts of the country and the trying magistrates were awarding "thundering" sentences which even the Secretary of State for India could only describe as "outrageous", "monstrous" and "indefensible".¹ It appears that the terrorist crime had unnerved the Bureaucracy and the Anglo-Indians and having given way under the strain they began to advocate a policy of revenge and unmitigated repression. Lord Morley was horrified and went on writing protests and giving warnings—but in vain.¹ On July 14th, 1908, he wrote to Lord Minto:—"I must confess to you that I am watching with the deepest concern and dismay the thundering sentences that are now being passed for sedition, etc. I read today that stone-throwers in Bombay are getting *twelve months*. This is really outrageous. The sentences on the two Tinnevely-Tuticorin men are wholly indefensible—one gets transportation for life, the other for ten years They cannot stand. I cannot on any terms whatever consent to defend such monstrous things. I do therefore urgently solicit your attention to these wrongs and follies. We must keep order but *excess* of severity is not the path to order. On the contrary, it is the path to the bomb."²

Thus, it was not only the Indian leaders but also men in supreme authority who held, that the bomb was the result of repression. Indeed Lord Morley went further. He put the whole responsibility for the "Unrest" on the fire-eating die-hards in the bureaucracy. He wrote to Lord Minto: "It is not you nor I who are responsible for 'Unrest', but the over-confident and over-worked *Tchinovniks* who have had India in their hands for fifty years past."³

However, the "*Tchinovniks*" still had their way. It is neither possible nor necessary to describe the sedition cases that were tried during 1908. It is sufficient to mention only a few. In Madras there were three important cases—the Tinnevely Case against Messrs. Chidambaram Pillai and

¹ Morley: Recollections, Vol. II, pages 269-70.

² *Ibid.*

³ *Ibid.*, page 265.

Subramania Siva in which the High Court reduced the sentence to six years' transportation on both ; the case against Mr. Srinivasa Iyengar of *India* who was sentenced to five years' transportation ; and the case against the editor and proprietor of the *Swaraj* who submitted a written apology to the Government but were still prosecuted.¹ In Bengal action was being taken under the Newspapers (Incitement to Offences) Act against the *Bande Mataram*, the *Yugantar*, etc.; and where prosecutions for sedition were unable to kill them, action under the new Act put an end to their existence. In the Central Provinces the editor of a vernacular sheet, the *Hari Kishore*, was sentenced to five years' rigorous imprisonment and the press where the sheet was printed was declared to be forfeited to the Government. In the United Provinces the editor of *Urdu-i-Moalla* was sentenced to two years' rigorous imprisonment and a fine of Rs. 500 for writing an article on the educational policy of British Government in Egypt ; and at Aligarh one Mr. Hoti Lal Varma was sentenced to seven years' transportation for sending a seditious telegram to *Bande Mataram* and for circulating a seditious leaflet. In Bombay the editors of the *Hind Swarajya*, the *Vihari*, and the *Arundaya* were all sent to Jail. But the case that attracted the largest attention not only in Bombay but all over India and which aroused a storm of indignation in the country was the one against Mr. Tilak, editor of the *Kesari* and the popular leader of the Nationalist Party, which was committed to the Criminal Sessions of the Bombay High Court on June 29th, 1908. Mr. Tilak was tried by Mr. Justice Davar with the help of a special jury. He conducted his own defence and spoke for full 21 hours 10 minutes. He questioned the correctness of the Government translations of his articles and his plea was that he had only performed his journalistic duties of answering the criticisms of the Anglo-Indian Press and of pointing out the

¹ They were sentenced to nine and six months' simple imprisonment respectively by the Sessions Judge of Kistna, Mr. Phiroze Shah Kershop, in view of their abject apology. The case against Mr. G. Subramania Iyer of the *Hindu*, Madras, was withdrawn by Government on account of a written apology and an undertaking for the future.

dangers of repression. He wanted to sound a note of warning and to appeal to the Government to adopt the right policy of reform and reconciliation. The explanations of Mr. Tilak were not accepted by the jury which pronounced him guilty by 7 votes to 2. The judge agreed with the jury and sentenced him to six years' transportation and a fine of Rs. 1,000. Before the sentence was delivered, Mr. Tilak was given an opportunity to speak, when he uttered the following remarkable words:—"All I wish to say is that in spite of the verdict of the jury, I maintain that I am innocent. There are higher powers that rule the destinies of things; and it may be the will of the Providence that the cause I represent may prosper more by my sufferings than by my remaining free."¹

As soon as the result of the case was known in Bombay the bazars began to close and the students began to absent themselves from schools and colleges that day; the mill-hands struck work and observed *Hartal* for full six days. Condolence meetings were held all over the country where resolutions of sympathy were passed.

VI

But still the cup of repression was not full to the brim. In December 1908, the Government of India pushed through the Council in a single sitting (on 11th December) a measure of strongly repressive nature to expedite the trials of cases against persons involved in terrorist crimes and anarchist conspiracies and to end the existence of certain volunteer associations by declaring them unlawful. The Criminal Law (Amendment) Act, 1908, was divided into two parts—the first, prescribed a special form of trial for offences of the anarchical type; the second dealt with associations. According to the first part an accused could be committed for trial by a Magistrate after holding an *ex parte* enquiry; and the case instead of being committed to the sessions was to be tried by a Bench of the High Court—consisting of three judges but without a jury. Evidence of persons which had not been

¹ Quoted by Mr. Athalye in the Life of Mr. Tilak, See page 208.

cross-examined before they were killed was made admissible and the decision of the three judges was final. In summing up the provisions of this part Sir Harvey Adamson said in the Council :—"There will in fact be only one public trial in stead of three. And last, but not the least, the trial will take place in a court which has the fullest power to deal with contempts, and which will not be compelled to tolerate improper comments on pending cases."¹ The second part empowered the Government to declare any association unlawful, if, in its opinion, it interfered with the administration of law, or the maintenance of law and order, or constituted a danger to the public peace. The Act made "it punishable up to a term of six months' imprisonment to take part in the meetings of an unlawful association or to contribute or receive or solicit contributions for it or in any way assist its operations;"¹ and further it also made "it punishable up to a term of three years' imprisonment, to manage or assist in managing or promote the holding of meetings of unlawful associations."

Under this Act the Volunteers' Associations which had been existing in the various parts of Bengal since 1902 and which performed various kinds of social service to the public were declared unlawful as they were suspected by the Government of taking part secretly in the revolutionary movement. The result was that they quickly went out of existence.

The last repressive act of the year was also the most severe. At one stroke nine leading public men of Bengal, some of whom were known for their moderation, were deported under the old Regulation III of 1818. Writes Sir Surendranath Bannerjee, "One morning in December, 1908 people learnt with astonishment that Aswini Kumar Dutt, the leader of the Barisal District, the founder of the Brojomohan College, Krishna Kumar Mitra, one of the foremost members of the Brahmo Samaj, a man held in universal respect by all who knew him, Satis Chandra Chatterjee, Sachindra Prasad Bose, prominent *Swadeshi* workers, and the wealthy and patriotic

¹ Proceedings of the Council, Vol. XLVII, page 57.

Subodh Mullick, had all been deported under Regulation III of 1818.”¹ This caused a great consternation in the country and the action was condemned by both the Moderates and the Extremists alike.

VII

Whilst the Government of India was following a policy of ruthless repression and was trying its best to suppress the extremists of both the constitutional and revolutionary schools, it was also, at the same time, evolving proposals to rally the moderates, the mohammedans, the landlords and the princes to its side. These proposals were embodied in a Dispatch, dated the 1st October, 1908 and sent to the Secretary of State by the next mail. The Dispatch of the Government of India was carefully examined by a small committee of the India Council. It was then discussed by the whole Council after which Lord Morley proceeded to draw up his own proposals on the question. In this connection he wrote to Lord Minto on November 5, 1908 :—“This subject is grave ; to keep in step with you is all-important ; to present a front that won’t offend the Bureaucracy ; nor the non-official Anglo-Indian, nor the Mohammedans, nor the right wing of the Congressmen, is no joke”² But he accomplished the task and laid his dispatch before his Council which was approved by it. “There were two dissents—chiefly or indeed entirely, on the point of official majority.”³ It was also passed by the Cabinet—it “took the thing on trust, having rather urgent business of much domestic moment on their hands”⁴ It was despatched on November 27th, 1908, to India.

Meanwhile on November 2nd, the 50th anniversary of Queen Victoria’s famous proclamation, King Edward sent a Royal Message to the Princes and People of India foreshadowing political reforms. It was read by the Viceroy in a great Durbar at Jodhpur. The Proclamation, after affirming

¹ Bannerjee : *A Nation in Making*, page 249.

² Morley : *Recollections*, Vol. II, page 281.

³ *Ibid*, page 282.

⁴ *Ibid*, page 283.

the principles of 1858 and narrating the attempts made to carry them out, declared:—"From the first, the principle of representative institutions began to be gradually introduced, and the time has come when that principle may be prudently extended I will not speak of the measures that are now being diligently framed for these objects. They will speedily be made known to you" ¹ And on December 17th, 1908 the reforms proposals of the Government were explained in a long speech by Lord Morley to the House of Lords and the two Dispatches—those of October 1, 1908, and November 27, 1908—were placed before the Parliament. The Indian National Congress—shorn of its left wing—which met at Madras at the end of the month gave a hearty welcome to the Morley-Minto Scheme. The proposals were embodied in the form of a short Bill, which was introduced by the Secretary of State in the Lords on February 23rd, 1909, and which became the Indian Councils Act, 1909, on May 25th, 1909.

¹ Recollections, page 371. The Royal Proclamation of 1908 is given in extenso as an appendix at the end of Volume II of Morley's Recollections. See page 369 to 372.

CHAPTER XX

THE RISE OF MUSLIM COMMUNALISM.

I

If the year 1906 is famous in the history of British India for the declaration of *Swaraj*—self-rule—as the goal of Indian aspirations, it is equally noted for the rise of Muslim communalism. It was on October 1, 1906 that an influential deputation of the Muslims waited upon Lord Minto and asked for special rights and privileges and for the introduction of communal representation in the new constitution of India. The Viceroy gave not only a sympathetic reply but also accepted the principle of communal representation, though he could not commit himself to the exact manner in which it was to be carried out into effect. This has been interpreted as a pledge binding the Government for ever to a system of communal electorates. Even Mr. Montagu and Lord Chelmsford, who were convinced of the injurious effects of separate electorates and communal representation, felt themselves bound by Lord Minto's pledge, in 1918, though Lord Morley did not regard it as binding on the Government in 1908 and proposed joint electoral colleges for the election of candidates belonging to the various communities according to their numerical strength. However, these points will be discussed later in their proper places. What is necessary to record here is the rise of Muslim communalism in 1906 and the foundation of a communal organisation—the Muslim League—for communal protection and communal propaganda. What were the forces that gave rise to the foundation of a separate Muslim organisation and the introduction of communalism in Indian politics is a question to answer which, it is necessary to review briefly the history of the Muslim community in India after the establishment of British rule.

II

The Mussalmans in India are largely descendants of Indian converts. There are a small number whose ancestors originally came from outside. It is therefore untrue to say that they belong to a different race. In the vast majority of cases there are no racial or linguistic differences between the Hindus and the Muslims—though they do form separate social and religious groups. Their private life is and has been lived in two separate compartments, although they have co-operated together in public matters. In Hindu States Muslims have and still occupy important public offices and positions and similarly in Mohammedan States the Hindus have enjoyed important places and positions of power. This does not mean that there have been no discriminations made either against the one or the other community in Muslim or Hindu States. Attempts have also been made in the past at forcible conversions or at the suppression of religious liberty.

When the British established their sway over a large part of India the Muslims were the rulers in several portions of the country as were the Hindus and the Sikhs in other portions. It is therefore not true to say that Muslims were the last rulers of the country and for that reason they should have special privileges. As a matter of fact, if the establishment of British rule wrested political power from the hands of any community or section of the people in India it was not so much from the Muslims—because the Moghal power was already on the decline—but from the Marathas on the one hand and the Sikhs on the other. Who can tell whether the Marathas or the Sikhs would have succeeded or not in establishing empires of their own in India if the European nations had not joined in the scramble for power that began in India at the death of Aurangzeb?

However, the Muslims did occupy important positions in the government of the country especially in Northern India from the Sutlej in the West to the Bramhputra in the East. A very large number of posts were held by the Mohammedans. But gradually they lost their advantageous position. They did

not take kindly to English education of which full advantage was taken by the Hindus, especially in Bengal ; and so the Hindus began to occupy many of the government posts under the British system, more particularly where the knowledge of English was required . Then came the Mutiny which was regarded by the British as more of a Muslim than a Hindu rebellion—though, as pointed out by Sir Syed Ahmed, the older army organisation of mixed regiments had brought about a rare sense of camaraderie and unity among the Muslim and Hindu Sepoys.¹ It was to destroy this spirit and to make its existence impossible that “class basis” was almost invariably adopted after the Mutiny.² Not very long after the Sepoy Mutiny came the Wahabi movement which became specially violent and dangerous in Bengal. It was the opinion of Sir Alfred Lyall that the restraints placed by the British on the aggressive display of religious zeal by the Mohammedans was responsible for the hostile attitude of Muslim priests towards the British Government. Whatever the reasons the feelings ran high among the Mohammedans in the late sixties of the last century—and the question to rebel or not to rebel hung, according to Sir William Hunter, upon “the deliberations of three *Sunni* priests in the holy city of Arabia.”³ The experiences of 1857-8 kept the vast majority of the Muslims quiet but the Wahabis could not restrain their rage and went in for open assaults and secret conspiracies in Bengal. These were vigorously suppressed but they deepened the impression still further among Englishmen that the Mohammedans were irreconcilable and disloyal. This is apparent from the books of Colonel Nassau Lees and Sir William Hunter. Sir William’s book entitled :—“Our

¹ These are the words of Sir Syed Ahmed :—“Government certainly did put the two antagonistic races into the same regiments, but constant intercourse had done its work, and the two races in the regiment had also become one. It is but natural and to be expected..... If separate regiments of Hindus and separate regiments of Mohammedans had been raised, this feeling of brotherhood would not have ripened.”..... quoted from the Causes of the Indian Revolt in the *Kayastha Samachar* Dec. 1902., page 513.

² See pages 127 *supra*.

³ Quoted by N. C. Kelkar in the *Hindustan Review*, December 1906, page 440.

Indian Mussalmans: Are they bound in conscience to rebel against the Queen?" was published in 1871. It may appear strange to an Indian of 1933 but it is a fact that till almost the eighties of the last century it was not the Hindu "Babu" who was distrusted by the British Government or regarded as disloyal but the oriental Mussalman who resisted the onslaught of English education and civilization. But all this changed in course of time and the person who was very largely responsible for bringing about this change was the great leader of the Mohammedans, the stalwart, stout-hearted, single-minded, sagacious sage of Aligarh, the great Sir Syed Ahmed.

Sir Syed Ahmed was the descendant of Persian noblemen who had acquired great influence at the Moghal Court. Early in his life he had come to the conclusion that "the future of India lay with the British and not with the decrepit Moghal Empire."¹ Instead of joining service under the Moghal Emperors Sir Syed had entered the service of the Company in 1837 and when the Mutiny broke out he was *Sadar Amin* at Bijour. By this time he had acquired the reputation of not only being an able judge but also of a great oriental scholar—his work on the ruins, architecture and mausoleums of Delhi, *Asar-e-Sanadial* was translated by a French Orientalist and attracted considerable notice. At the time of the Mutiny he stood loyally by the British and saved many English lives.

After the Mutiny Sir Syed made up his mind to work for the regeneration of his fallen community and for Anglo-Mohammedan friendship and throughout his life he pursued this double purpose with a rare determination and single-minded devotion. To raise his community he advocated social reform and English education—and what he was able to accomplish in these directions is so well-known that it is not necessary to detail it here. It is sufficient to state that the Aligarh Muslim University will remain a permanent monument of his educational work for his community.

Soon after the Mutiny Sir Syed started a journal, called

¹ Quoted in an article entitled "Indian Muslims and Indian Politics" written by an "Indian Musalman" in the *Hindustan Review* of January, 1909, page 51.

the *Loyal Mohammedans of India*, to help in the work of removing the stigma of disloyalty from the heads of his co-religionists. This journal was discontinued but Sir Syed continued to work for the cause. He tried "to bring about a religious *rapprochement* between Mohammedans and Christians, as he was fully aware that so long as religious antagonism . . . subsisted between the Cross and the Crescent, so long was it hopeless to expect either that the Indian Muslims should become loyally attached to British rule and identified with its permanence in India, or that their Christian rulers should on their part learn to regard them as loyal subjects and entitled as such to protection and patronage . . ."¹ To promote this object he wrote a pamphlet to remove the long-standing prejudices and to popularise the Islamic Ordinance which permits Mohammedans to eat and mix with Jews and Christians. "He also wrote a commentary on the Bible called the *Tabyin-ul-Kalam*" to remove misunderstandings from the minds of Mohammedans and Christians. And when Sir William Hunter's book: *Our Indian Muslims* was published Sir Syed Ahmed wrote powerful rejoinders in the *Pioneer*, which, says Justice Shah Din, "brought conviction home to many an official sceptic, and the ominous cloud that hung for a time over Muslim loyalty soon rolled away."² Again when the M.A.O. College was founded at Aligarh the chief object that Sir Syed Ahmad had in his mind—as he himself stated it in the address presented to Lord Lytton at the time (in 1877)—was "to reconcile Oriental learning with Western literature and science, to make the Muslims of India worthy and useful subjects of the British Crown, to inspire in them that loyalty which springs not from servile submission to foreign rule, but from a genuine appreciation of the blessings of good government."³ Thus Sir Syed did all he could to infuse a spirit of loyalty in the minds of his co-religionists and to win the friendship of the English rulers and their favour for his Moslem brethren.

¹ Shah Din : Sir Syed Ahmed as a Political Leader, page 413. Hindustan Review of December 1905.

² *Ibid.*, page 414.

³ Hindustan Review, January 1909, page 53.

III.

In the year 1885, the Indian National Congress was founded and the question which was agitating the minds of all thinking men at the time was:—What will Sir Syed Ahmed do? Will he join the Congress or will he keep away with his large following and split the ranks of the nation? Some of the Congressmen were hopeful. As early as 1860 Sir Syed had advocated the inclusion of Indians in the Legislative Councils in his famous book: "Causes of the Indian Revolt." In 1866 he was advocating the foundation of the British Indian Association—which has been described as the forerunner of the Congress and the speech that he delivered on the occasion was truly remarkable. He asked the people to give up fear and be manly, frank and honest and tell the British openly what their grievances were. He denounced the habit of fretting and brooding and condemning measures in their homes but of representing them as just and wise when they met Englishmen. "Believe me" he said "this moral cowardice is wrong Far better it would be to the interests of India to speak out openly and honestly their opinions as to the justice or otherwise of the acts of government."¹ In 1877 when Sir Surendranath Bannerjee toured Northern India in connection with the Indian Civil Service agitation Sir Syed Ahmed presided over the Aligarh meeting held in favour of holding simultaneous examinations.² He also gave his hearty support to the Ilbert Bill and to the principle of equal justice to both English and Indians alike. And above all in his Punjab tour in 1884 Sir Syed had spoken eloquently of the common interests of all communities and of his strong love of the country and had made an impassioned appeal for co-operation and united action. In one of his speeches he said: "We (i.e. Hindus and Mohammedans) should try to become one heart and soul and act in unison. If united, we can support each other. If

¹ Hindustan Review, December 1902, page 505.

² Ten years later, however, as a member of the Public Services Commission, Sir Syed did not support Sir Romesh Mitter and Rao Bahadur Nulkar's note in favour of simultaneous examinations, but signed the Majority Report against simultaneous examinations.

not, the effect of one against the other would tend to the destruction and downfall of both"¹ And, in his reply to the Indian Association's address, after paying an eloquent tribute to the Bengalees, he said: "With me it is not so much worth considering what is their religious faith, because we do not see anything of it. What we do see is that we inhabit the same land, are subject to the rule of same governors, the fountains for benefits for all are the same, and the pangs of famine also we suffer equally."²

With such utterances Sir Syed might have been expected to co-operate with the other Indian leaders who were trying to create an Indian nation and a national platform for voicing the needs, grievances and wishes of the people. But his love for his community proved stronger than that for his adopted motherland—and in spite of his sound opinion of only one year earlier, that "the effect of one against the other would tend to the destruction and downfall of both"—he chose not only to non-cooperate with the Congress but also to organise active opposition to it by founding with Raja Shiv Prasad of Benares the Patriotic Association.

What were the causes of this separatist action is a question that has been widely discussed. Sir Syed's defenders have laid stress on the violent nature of the Congress propaganda; the excitable temperament and backwardness of the Moslems which might have wrecked the Congress and resulted in another open rebellion to the detriment of the Muslim community and of the whole nation; and on the lack of any provisions in the Congress Programme for protecting the rights and interests of religious minorities.³ His opponents, on the other hand, have laid emphasis on the more selfish reasons—of ingratiating his community in the good graces of the government, of the

¹ Gurdaspur Speech of 27 January, 1884, quoted in *Eminent Mussalmans*, published by G. Natesan & Co., Madras, page 32.

² *Ibid.*, page 33.

³ It is true that Sir Syed Ahmed regarded the system of election pure and simple as unsuited to Indian conditions and he had expressed his views at length in his speech in the Legislative Council in January 1883 on the C. P. Local Self-Government Bill. He said: "I am convinced the introduction of the principle of election, pure and simple, for representation of various interests on the local boards and district councils, would be

desire to steal a march over the other communities, and to promote the temporary interests of his community, even at the risk of injuring the permanent interests of the nation. Whatever the reasons, the action of Sir Syed Ahmed was fraught with dangerous possibilities, which the interested parties were not slow to exploit, as is clear from the later developments. The immediate result was that the vast bulk of the Moslems abstained from joining the Congress. Writes an Indian Mussalman: "Even after the go-cart stage when they could stand on their own legs, they did not feel themselves disposed to go out of the beaten track marked out by Sir Syed and to take the free run of the political field. Sounding to its very depths the mind of the *Sirkar*, they came to the conclusion that their salvation lay not in joining the Congress sectional selfishness, distrust, race-hatred, a desire to stand in the good graces of the government and above all, an instinct of self preservation kept the gulf wide between the Moham-medans and the Congresswallas"¹

The year after the Congress met for the first time, Sir Syed Ahmed started the Muslim Educational Congress (the name was later changed to Conference), whose sessions were also to be held at the same time as those of the National Congress, to focus the attention and interests of the educated Muslims and to keep them away from the Congress and the field of political criticism. The political policy that he and his community followed was of active co-operation and support to the British Government, display of loyalty to the British Crown, and of condemning all criticism of government action as disloyal.

IV.

The theory of "counterpoise of natives against natives", to use the phrase first invented by the Punjab Army Reorgani-

attended with evils of greater significance than purely economic considerations." He obviously wanted it to be supplemented by nomination of representatives of minority communities. It is wrong to say that he had, at that time, in view communal electorates.

¹ An Indian Mussalman: "Indian Mussalmans and Indian Politics," Hindustan Review, January 1909, page 55.

sation Committee in 1859,¹ or of *Divide et Impera* (Divide and Rule), as it is more popularly called, was first applied by the British in Indian administration to the Indian Army in 1861. It was believed not only by Sir Syed Ahmed but also by the army authorities that the Sepoy Revolt of 1857 was due to the spirit of unity and comradeship fostered by the mixing of men of diverse sects, castes, communities and provinces in one and the same regiment. And in order to make the recurrence of such revolts impossible in the future, the Indian Army was reorganised on the "class basis". In civil administration, however, it was considered necessary to win the confidence of the people by following a policy of "holding the scales even" between men of different communities for several decades after the Mutiny. Leaving aside individual cases of partiality or favouritism or rewards for special acts of loyalty, distinctions were not generally drawn on communal lines in filling government posts or in distributing other rewards or honours. This was stated by Sir Alfred Lyall in his *Asiatic Studies*: "We must work on our broad notions of essential justice and expediency; we cannot continually twist and modify them so as to fit in with the curves and angles of accidental and temporary prejudices in India. We cannot guarantee to the Musulmans what would be unfair to other Indian fellow-subjects. We must continue to *enlist the best men* into our services, *whoever they may be*."² But as time went on the Muslims in India began to press the government for special treatment. In the addresses that were presented to the Viceroys and Governors by the Muslim bodies there was always—their "inevitable concomitant", to use the words of Lord Curzon—"a complaint of relatively backward position and a request to Government to redress the balance by giving them more posts in the higher ranks of the service."³ And the reply of the British Administrators used to be—as stated by Sir John Woodburn—that "the remedy lies with yourselves, and with the leaders of your

¹ See page 127 *supra*.

² Quoted in the *Kayastha Samachar*, August 1902, page 122.

³ Quoted from the reply of Lord Curzon to the Madras Mohammedans Deputation in 1899—see *Kayastha Samachar*, August 1902 page, 121.

community. The opportunities for qualifications in all branches of education are now at your door, and particularly for instruction in those active avocations, in which your Mohammedans excel".¹ Lord Curzon was still more emphatic. He said: "There are certain things which I cannot do ; I cannot create special opportunities or exemptions in your favour."² He did not believe in yielding to the cry "for artificial ropes and pulleys to haul them up."²

But the Government policy was soon changed. This was done in the interest of the security and permanence of British rule in India. Gradually the class which was agitating for reforms and for the Indianisation of the administration was increasing. Some of the youngermen among the nationalists were beginning to talk of independent and self-reliant action. A new spirit was abroad among the Hindu young men. And the British Bureaucracy felt that the time had come to isolate the irreconcilables and to rally the others to its side. The policy of rallying the loyalists—the Moslems, the Moderates, the Princes and the landed magnates—was fully worked out in the first Reforms Dispatch of the Government of India to the Secretary of State. But a very important beginning was made during Lord Curzon's régime through the Partition of Bengal. I have already described the story of the Partition and the policy of favouring the Moslems adopted in that connection, and, I do not think, it is necessary to add anything more here. What remains to be done is to relate the stages by which the policy of rallying the Mohammedans was carried out in the Reforms of 1909.

V.

In 1885-86, as stated above, Sir Syed Ahmed had persuaded the large bulk of his community to eschew politics and to devote its energies to education. But towards the close of his life—writes the author of the sketch of Sir Syed Ahmed in the "Eminent Mussalmans"—"Sir Syed felt the justice of

¹ Kayastha Samachar, August 1902, page 123.

² *Ibid*, page 122.

the Congress demands. He realised with bitterness the disadvantageous position of his countrymen in the Councils of the Government and went so far as to despair of equality of treatment between the 'conquerors' and the 'conquered', even in the distant future."¹ This was largely due to the enforced resignation of his son, Syed Mahmud, from the Allahabad High Court Bench in 1892. Be that as it may, Sir Syed agreed in 1893 to the starting of a political association for the protection of Muslim interests. This association was called the Mohammedan Defence Association of Upper India and contained selected representatives from the various provinces—with Syed Mahmud and Principal Beck of the M. A. O. College as secretaries. The objects of the Association were the promotion and defence of Moslem interests by means of representations to Government and not through agitation and political propaganda. There had also come into existence at various places in the country Moslem Associations, *Anjuman-i-Islamia* and Young Men's Mohammedan Associations, which took spasmodic interest in political questions. But they were not primarily political associations. The Moslem young men coming out of Aligarh and from the various Indian and foreign Universities began to feel the necessity of a regular political association like the Congress. In September 1901, Sir Mohammad Shafi wrote a series of articles in the *Observer*, Lahore, advocating the formation of the Indian Moslem League. In the U. P. it was decided to recommend the formation of both separate provincial associations as well as an all-India "corporation" to protect the rights and privileges of the Musulmans in the same year (1901). But nothing was actually done till December 1906 when the All-India Moslem League was ushered into existence as a result of the discussions at Simla among the members of the famous Moslem Deputation of October 1st.

It was given out by Maulana Mohammad Ali in 1923—it was an open secret before—that the Deputation was a

¹ "Eminent Mussulmans", page 35.

“command” performance.’¹ According to H. H. the Agha Khan,² the Deputation was organised, on his suggestion, by Nawab Mohsin-ul-Mulk, the successor³ of Sir Syed Ahmed to both the secretaryship of the M. A. O. College Board of Trustees and the leadership of the Muslim community. The Deputation was headed by H. H. the Agha Khan and contained most of the influential Moslems of the various provinces. The address was prepared in consultation with the various Moslem associations in the country and was carefully and ably drawn up. It was largely the work of Mr. Syed Hussain Bilgrami and Sir Syed Ali Imam.

The address which was presented to H. E. Lord Minto at Simla on October 1, 1906 was a long and an important document. It made two important demands on behalf of the Muslim community. First, that “the position accorded to the Mohammedan community in any kind of representation, direct or indirect, and in all other ways affecting their status and influence, should be commensurate not merely with their numerical strength, but also with their practical importance and the value of the contribution which they make to the defence of the Empire” and with due regard to “the position they occupied in India a little more than a hundred years ago.”⁴ Second, that the methods of nomination as well as of election prevailing hitherto had failed to give them the proper type or adequate number of representatives and that in the proposed reforms they should be given the right of sending their own representatives themselves through separate communal electorates. The address outlined “an elaborate scheme for Moslem representation, beginning with the Municipal and District Boards and going right up to the Imperial Legislative Council including the Senates and Syndicates of Indian Universities.⁵ For instance, in the case

¹ Congress Presidential Address. The Indian Annual Register, 1924 Vol. II, Supplement, page 27.

² Eminent Mussulmans, page 188.

³ Sir Syed Ahmed died in 1898.

⁴ Hindustan Review, February, 1909, page 146.

⁵ *Ibid*, page 149.

of the Imperial Legislative Council, the Deputation urged that "(a) in the *cadre* of the Council the proportion of Mohammedan representatives should not be determined on the basis of numerical strength of the community, and that in any case the Mohammedan representatives should never be in an ineffective minority ; (b) as far as possible, appointments by election should be given preference over nomination ; (c) for purposes of choosing Mohammedan members, Mohammedan landowners, lawyers, merchants and representatives of other important interests, of a status to be subsequently determined by your Excellency's Government, Mohammedan members of the Provincial Councils and Mohammedan Fellows of Universities should be invested with electoral powers to be exercised in accordance with such procedure as may be prescribed by your Excellency's Government in that behalf."¹

Besides these two important demands the Deputation also asked for greater representation in the services, protection of their interests in case an Indian Executive Councillor was appointed, and help in founding a Moslem University. And the address concluded "that, in furthering Mohammedan interests, government will be only strengthening the bond of loyalty and laying the foundation of their political advancement and national prosperity."²

Lord Minto in his reply accepted the position taken up by the Deputation and gave an assurance "that their political rights and interests will be safe-guarded in any administration with which I am concerned."³ The whole passage is so important—it is described by Lord Minto's biographer "as a Charter of Islamic Rights"—that I quote it *in extenso*. Said His Excellency :—

"The pith of your address, as I understand it, is a claim that, in any system of representation, whether it affects a municipality, a district board or a legislative council, in which it is proposed to introduce or to increase the electoral organisa-

¹ Hindustan Review, February 1909, pages 149 & 150.

² *Ibid*, page 150.

³ An Indian Mohammadan : British India, page 486.

tion, the Mohammedan community should be represented as a body. You point out that in many cases electoral bodies as now constituted cannot be expected to return a Mohammedan candidate, and that, if by chance they do so, it can only be at the sacrifice of such a candidate's views to those of a majority opposed to his own community, whom he would in no way represent, and you justly claim that your position should be estimated not merely on your numerical strength but in respect to the political importance of your community and the service that it has rendered to the Empire. I am entirely in accord with you. Please do not misunderstand me ; I make no attempt to indicate by what means the communities can be obtained, but I am as firmly convinced as I believe you to be, that any electoral representation in India would be doomed to mischievous failure which aimed at granting a personal enfranchisement regardless of the beliefs and traditions of the communities composing the population of this continent."¹

Thus was the principle of communal representation accepted by the representative of the Crown in India. The underlying motive is revealed by the biographer of Lord Minto in a significant sentence :—"The speech undoubtedly prevented the ranks of sedition being swollen by Moslem recruits, an inestimable advantage in the day of trouble which was drawing."²

The Government of India took full two years to evolve its scheme of representation embodying the principle of communal representation for the Moslems. In its dispatch of October 1st, 1908, to the Secretary of State, the Government of India said in connection with Moslem representation on the Indian Legislative Council :—"After carefully considering

¹ Buchan : Lord Minto, page 244.

² Buchan : Lord Minto, page 244. It may be interesting to record here the views of Lord Morley on the speech of Lord Minto. Writing on December 6, 1909, on his differences with Lord Minto on the question of Muslim representation, Lord Morley says :—"I won't follow you again into our Mohametan dispute. Only I respectfully remind you once more that it was your early speech about their extra claims that first started the *M. hare*. I am convinced my decision was best" (page 325, *Recollections*, Vol. II). Lord Morley's proposal is described later in this Chapter.

the demands of the Mohammedans themselves and views expressed by the Hindus, we think, that the claims of the former will be adequately met if four elective seats are assigned to them, and provision is made for a fifth seat being filled by nomination until suitable machinery for election can be devised. The four elective seats should be permanently assigned to the four provinces which have the largest Mohammedan population, namely Bengal, Eastern Bengal and Assam, the Punjab and the United Provinces. The fifth seat should be given alternately to Bombay and Madras, where the Mohammedan population is smaller."¹ As to the formation of electorates it was the belief of the Government of India that no one system was possible for all the provinces. "Our view is", says the Dispatch, "that in provinces where election by a regular Mohammedan electorate is feasible, that method should be adopted; that Mohammedan associations should be made use of where electorates cannot be formed; and nomination by Government should be resorted to where neither of the first two methods is practicable."² As far as the Provincial Councils were concerned certain number of seats were to be assigned to the Muslims and they were to be filled through separate electorates consisting of men paying a certain amount of land revenue, or paying income-tax or who were registered graduates of an Indian University of not less than five years' standing.

Lord Morley did not approve of the plan of separate electorates submitted by the Government of India for both Musulmans and the landlords. Other communities were to be represented indirectly through non-official members of the Provincial Legislatures in the case of the Indian Legislative Council and through Municipal and District Board members in cases of the Provincial Councils. These proposals Lord Morley held in his Dispatch of November 27, 1908, were open to several objections. Apart from the objections of the Indian nationalists to any system of separate communal electorate

¹ Mukherjee : Indian Constitutional Documents, Vol. I, page 293.

² *Ibid*, page 294.

they were of opinion that separate electorates will widen the gulf between the Hindus and the Moslems and will retard the growth of the national spirit—there were two main objections mentioned by the Secretary of State. The first was that the proposals of the Government of India, created an invidious distinction between the Moslems and the Hindus; and, secondly, they would give the Moslems in several cases two votes instead of one. In order to remove these defects Lord Morley proposed a scheme of joint electoral colleges for the election of all candidates belonging to different communities and classes. According to this scheme, each electoral college was to consist of elected representatives of the people of various communities and classes—in the proportion assigned to each community or class. For instance, let us suppose, that it was desirable to elect three Hindus and one Moslem from a particular area. In that case, an electoral college of 75 Hindus and 25 Moslems may be created. “This Electoral College should be obtained by calling upon the various electorates, which might be (a) substantial landowners paying not less than a fixed amount of land revenue; (b) the members of rural or sub-divisional Boards; (c) the members of District Boards; and (d) the members of Municipal Corporations, to return to it such candidates as they desired, a definite number being allotted to each electorate. Out of those offering themselves and obtaining votes, the 75 Hindus who obtained the majority of votes should be declared members of the college, and the 25, Mussalmans who obtained the majority should similarly be declared elected. If the Musulmans returned did not provide 25 members . . . the deficiency would be made good by nomination.”¹ Each member of the electoral college was to have one vote and the result would be to elect three Hindus and one Moslem, as desired.

Lord Morley commended his scheme to the consideration of the Government of India with useful remarks as to its merits and demerits, which deserve quotation. He wrote:—“No

¹ Mukherjee: Indian Constitutional Documents, Vol. I, page 315.

doubt it removes the primary voter by more than one stage from the ultimate choice ; and it does not profess to be simple I can only say that it is quite as simple as any system for the representation of minorities can ever be. The system of a single vote, which is an essential part of it, is said to work satisfactorily in places where it is already in existence, and it is easy of apprehension by the electors. It would have several great advantages. It would bring the classes specially concerned within the popular electorate, and so meet the criticism of the Hindus ; second : It establishes a principle that would be an answer to further claims for representation by special classes and associations ; third : It would ensure the person chosen being actually drawn from the locality that the Electoral College represents ; fourth : It would provide a healthy stimulus to interest in local self-government by linking up local bodies more closely with the provincial Legislative Council.”¹

Indeed, the scheme of representation proposed by Lord Morley was best, under the circumstances existing then in India. It would have ensured adequate representation of all communities and classes without introducing invidious distinctions between one community and another and without injuring the national interests of the country. But that was not to be : The Moslems and their friends in the Bureaucracy² insisted that Muslim interests could only be protected properly through separate communal electorates and that joint electoral colleges will not give them the right type of representatives—and ultimately they triumphed over the Secretary of State.

VII

It may appear surprising that a sapling of hardly two years should have succeeded in brow-beating one of the most

¹ Mukherjee : Indian Constitutional Documents, Vol. I, page 316.

² It was the opinion of Mr. Ramsay Macdonald that it were the Indian Officials who were really responsible both for the demand and for the introduction of communalism in Indian Politics. For instance he wrote in his book : *The Awakening of India* :—“The Mohammedan leaders are inspired by certain Anglo-Indian officials, and that these officials have pulled wires at Simla and in London and of malice aforethought sowed discord between the Hindu and the Mohammedan communities by showing the Muslims special favours,” page 176.

powerful and experienced among the modern Secretaries of State ; but such appears to be the fact. The All-India Moslem League was formally founded in December 1906 at Dacca where Moslems from the various provinces had assembled in connection with the Moslem Educational Conference. Its constitution was framed in December 1907 at Karachi but was not ratified till March 1908 at Lucknow. It was thus in December 1908, that the Moslem League held its first regular session at Amritsar with Sir Syed Ali Imam in the chair. According to the constitution of the League there was a permanent President, who was H. H. the Agha Khan till 1913, when he resigned owing to a radical change being made in the creed of the League that year.

The All-India Moslem League, like the Indian National Congress had affiliated to it Provincial Moslem Leagues and also a London Branch, with Sir Syed Amir Ali as the President. The objects of the League were defined as follows by its constitution :—“(1) to promote among Indian Moslems feelings of loyalty towards the British Government, and to remove any misconception that may arise, as to the intentions of the Government with regard to any of its measures ; (2) to protect the political and other rights of Indian Moslems and to place their needs and aspirations before the Government in temperate language ; (3) so far as possible, without prejudice to the objects mentioned under (1) and (2) to promote friendly feelings between Moslems and other communities of India.”¹

The League, as it was founded, was thus a loyalist association organised for pressing the special demands of the Moslems on the attention of the Government. During the first two years (1906 and 1907) “the resolutions passed at the Central and Branch Leagues continually harped on one point—the copious distribution of official ‘loaves and fishes.’”² But as time went on it assumed a more independent attitude and even began to issue threats of disloyalty if its demands were

¹ Hindustan Review, April 1909, pages 346-47.

² An Indian Musalman : Indian Musalmans and Indian Politics, III. *Ibid*, page 348.

not granted. In his Presidential Address of 1908, Sir Syed Ali Imam asserted, on behalf of educated Moslems, that "we yield to none in veneration and affection for our Motherland",¹ and that there were no differences between the League and the Congress on many of the important questions of practical politics.² The difference lay mainly in regard to aims and methods. The Indian National Congress wanted the attainment of Self-Government on colonial lines; whilst the League was content to demand the steady pursuit of administrative reform and the due satisfaction of the natural ambition of Indians educated under a liberal system."³ In explaining this difference Sir Ali Imam said:—"Has not this ideal of Self-Government, however elevated, caused impatience, and has not this impatience carried the idealist off his feet, and has not this loss of equipoise created extremism, and has not extremism given birth to anarchism, bombs, secret societies and assassinations?"⁴ The League, therefore, preferred a humbler ideal and quieter methods.

However, on the subject of communal representation it adopted a very strong attitude and threatened the Government with withdrawal of support and loyalty if its demands were not conceded. The League opposed the scheme for joint electoral colleges and insisted on "representation on a purely denominational basis."⁴ A big agitation, "in press and on platform, in England and in India . . . was organised to exact communal representation."⁴ In England Mr. Amir Ali and

¹ Hindustan Review, April 1909, page 350.

² He gave a list of 14 such questions:—(1) The separation of the judicial from the executive functions; (2) The repeal of degrading colonial ordinances; (3) The extension of primary education; (4) The admission of Indians.....in larger numbers into higher branches of the public services; (5) the adoption of measures of sanitation.....; (6) discontinuance of official interference in matters of local self-government; (7) reasonable reduction of military expenditure.....; (8) recognition of the right of warlike races of India to serve as Volunteers; (9) the grant of Army Commissions to Indians; (10) an equitable adjustment of Home Charges; (11) limitation of land revenue.....; (12) establishment of village unions.....; (13) encouragement and protection of Indian arts and industries; (14) eradication of insolence on the one hand and feelings of inferiority and mortification on the other between the rulers and the ruled. *Ibid* pages 350 & 351.

³ *Ibid*, page 351.

⁴ *Ibid*, page 354.

Major Syed Hasan Bilgrami tried to persuade Lord Morley through letters in *The Times*, but when they did not prove sufficient, an influential deputation was organised which waited upon the Secretary of State. Lord Morley's reply was diplomatic and not very definite. "Not satisfied with Lord Morley's sops-in-promise, the All-India Moslem League again approached Lord Minto with a Memorial"¹ traversing the same ground which was covered by the London Address to Lord Morley. It had the desired effect. The Government of India supported the Moslem demands and the Secretary of State gave in and accepted the scheme of separate communal electorates for the Moslems.

VIII

Whilst the new communal organisation of the Moslems was pressing the demand for communal electorates it was being opposed strongly by the nationalist organs and leaders in the country, both Hindus as well as Mohammedans. The nationalist case was very ably stated by Lala Lajpat Rai and Mr. C. Y. Chintamani²—both showed the unfairness and mischievous nature of the Moslem demands and pointed out the harmful effects of accepting the principle of separate communal electorates and of larger representation to minorities than their numerical strength warranted. They were supported by some of the patriotic Mohammedans. For instances, Nawab Sadiq Ali Khan, Bar-at-law, speaking at Lucknow in 1908 said:—"The principle of class and religious representation is a most mischievous feature of the scheme It is not good for Mohammedans to be taught that their political interests are different from those of the Hindus From a Mohammedan standpoint too, in my humble opinion, that principle is fraught with mischief."³ Another Mohammedan speaking on the same occasion, boldly asserted:—"In order that we may not succeed in our efforts to unite India into

¹ *Hindustan Review*, April 1909, page 356.

² *Ibid*, pages 320 to 336.

³ *Ibid*, page 323.

one nation, it is suggested, that there must be separate Mohammedan electorates. This will promote disunion between us, but if we were elected by a common electorate, we shall come into close contact."¹ Writing in 1911, Mr. Ramsay Macdonald says:—"Some of the far-seeing members of the Mohammedan community are already beginning to feel that they have made a mistake. Several spoke to me with bitterness about the way that certain of their leaders had consented to play a game planned for them by Anglo-Indian officials, whilst in the minds of others who were still in favour of what had been done a knowledge was dawning that there were dangers ahead and that they might have been better protected if they had not asked for so much."²

Whatever may be the differences among the Mohammedans as to the wisdom or otherwise of the step, there was general agreement among Indians that it was a clever move on the part of the bureaucracy to prevent the people from uniting together³ and to deprive the reforms of much of their utility. As an Indian Mussalman put it in the *Hindustan Review* of April 1909:—"The attempt on the part of my co-religionists 'to create an irreconcilable Ulster in India,' is not very laudable." And he remarked most prophetically:—"This will veritably be the opening of Pandora's box and India will then be confronted with a grave situation of the first magnitude."⁴

¹ *Hindustan Review*, April 1909, page 324.

² Macdonald: *The Awakening of India*, page 129.

³ Writes Mr. Macdonald: "Whether this was done deliberately and diabolically on the principle of 'Divide & Rule', or whether it was a mere blunder showing once again how very little some of our responsible officials understand India or can estimate the effects of their actions, the public cannot say, because the true explanation of Lord Minto's speeches, Lord Morley's counter speeches and the contradictory dispatches is still a secret." *Ibid*, page 177.

⁴ *Hindustan Review*, April 1909, page 357.

CHAPTER XXI

THE MORLEY-MINTO REFORMS.

I

The Indian Councils Act was passed on May 25, 1909 and was put into force on November 15, 1909 when the Government of India issued the Regulations relating to the constitution and functions of the Legislative Councils with a covering Resolution on the whole subject of the Reforms. These Regulations were severely criticised by the Indian Press and by the leaders of the Moderates in the Congress. Sir Surendranath Bannerjee and Pandit Madan Mohan Malaviya, who had welcomed with great enthusiasm the Reforms outlined in Lord Morley's Dispatch in December 1908, condemned in strong terms the Regulations issued by the Government of India to give effect to the Reforms, at the Congress of December 1909. In moving the Resolution on the subject Sir Surendranath Bannerjee said:—"It is no exaggeration to say that the Rules and Regulations have practically wrecked the reforms scheme Who wrecked the scheme? Who converted that promising experiment into a dismal failure? The responsibility rests on the shoulders of the bureaucracy Is the bureaucracy having its revenge upon us for the part we have played in securing these concessions?"¹ How far was this denunciation of the Regulations justified? To what extent were the defects inherent in the reforms proposals themselves responsible for the failure of the experiment? These are questions that cannot be answered offhand. To give a satisfactory reply it is necessary to examine carefully both the nature of the reforms proposals and the main rules contained in the Regulations.

¹ Mrs. Besant: *How Indian Wrought for Freedom*, page 495.

II

The first important reform associated with the names of Lords Morley and Minto is the appointment of Indians to the India Council on the one hand and the Viceroy's Executive Council on the other. The history of admitting Indians to these Councils is both interesting and instructive.

As stated in an earlier chapter¹ the question of including an Indian in the Viceroy's Executive Council was first discussed by Lord Minto with some members of his Council in March 1906; but finding the majority of his advisers against it, he dropped the matter. The question was raised independently by Lord Morley in his letter of June 15, 1906, quoted above, and was referred to the Committee on Reforms by the Viceroy. The Arundal Committee was evenly divided on the question but in the Council itself there was strong opposition² to the proposal—only one member voting in favour of it. However, the Viceroy regarded the reasons of the members of his Council as "generally very narrow, based almost entirely on the assumption that it is impossible to trust a native in a position of great responsibility, and that the appointment of a native member is merely a concession to the Congress agitation."³ Lord Minto felt the step necessary to keep the loyal and moderate men among the educated class on the side of the Government. "If we do not", he told Lord Morley on February 27th, 1907, "we shall drive . . . [them] into the arms of the Congress leaders".³ He did not take a very serious view of the official opposition but he was afraid that in case an Indian Member was not appointed the "native agitation" would be "tremendous", "in which moderate natives will join, with which many Anglo-Indians will sympathise."⁴ "We shall have a row either way", wrote Lord Minto to the Secretary of State on April 17th, "but in the case of an appointment of a native member it would emanate from the official world alone, and

¹ See Chapter XIX *supra*.

² Lord Kitchner and Sir Denzil Ibbetson were the two strongest opponents.

³ Buchan : Lord Minto, page 253.

⁴ *Ibid*, page 254.

would, in my opinion, gradually subside."¹ In any case, the Viceroy was "quite ready to stand the shot" by June 5th, 1907.

The Secretary of State, however, did not think the moment opportune for appointing an Indian to the Viceroy's Council. He was afraid of the official and Anglo-Indian opposition both in India and in England. He wrote: "On the Indian Member, the ruling considerations were the attitude of your Council and mine ;² and second, the possible risk of an Anglo-Indian fit of wrath and fear."³ The British Cabinet was also influenced by the opposition of Lords Ripon and Elgin "mainly on the secrecy argument—that the Member would have to know military and foreign secrets, etc., etc."³ Lord Morley admitted that the reason for keeping "the native member back" was "not the most solid or satisfactory of reasons and I wish it did not prevail"; but he felt helpless under the circumstances. He, however, decided to take an important step on the same road by announcing in his Budget Speech of July 1907 his intention of appointing one or two Indians on his own Council.⁴ For this purpose he approached the Parliament with a bill to amend the constitution of the India Council which became law on August 28, 1907.⁵

On August 26th, 1907, the Secretary of State nominated four persons for appointment to the India Council and submitted their names to His Majesty for approval, which was duly accorded. Two of these four persons were Indians—one, a Hindu civilian, Mr. K. G. Gupta, who had risen to the position of a member of the Bengal Board of Revenue; and the other, a Mohammedan, Mr. Syed Husain Bilgrami, "shrewd, competent and loyal"—who was then the principal adviser of the Nizam of Hyderabad.

¹ Buchan: Lord Minto, page 254.

² The India Council was unanimous in opposing the appointment of an Indian to the Viceroy's Executive Council.

³ Morley: Recollections, Vol. II, page 212.

⁴ Speaking in the House of Commons, Mr. John Morley, as he then was, said: "I think the time has now come when the Secretary of State may safely, wisely, and justly nominate one, or it may be two, Indian members . . ." Indian Speeches of John Morley, page 75.

⁵ The provisions of the Council of India Act, 1907 are given above, see page 245, *supra*.

Lord Morley attached great importance to this step in the reform of the Indian system of administration.¹ He writes in his *Recollections*:—"The soldier prose of a Gazette takes the stir and flame out of battle, and all the din of drum and trumpet out of victory. But these plain official sentences [announcing the appointment of two Indians to the India Council] mark a shining day worth living for."²

A breach in the citadel was thus, after all, made; and thenceforward it became merely a matter of time as to when the next step would be taken and an Indian appointed to the Executive Council of the Viceroy.¹ This was actually done on March 24, 1909, when Mr. S. P. Sinha, Advocate-General of Bengal, was appointed Law Member of the Government of India. It must not, however, be understood that this was done without opposition. Both the Viceroy's and the Secretary of State's Councils were against the proposal; but the two heads of the Government had made up their mind and were now prepared to face the consequences. Lord Morley, therefore, made the announcement in his speech on December 17, 1908 in the House of Lords, that in case a vacancy arose in the Executive Council of the Viceroy during his period of office he would advise His Majesty to appoint an Indian to it. This

¹ Lord Morley had already written to the Viceroy (July 18, 1907) that if simultaneously with the publication of the Circular Letter on reforms "I publish my appointment of two Indian members on my Council, it will look like a single operation, and ought really to make a great move, leaving the appointment of an Indian Member on *your* Council for some other not too distant day." Morley: *Recollections*, Vol. II, page 226.

² *Ibid*, page 228. To show how educated Indians regarded these appointments, I quote an extract from a Moderate periodical "The Hindustan Review" of September 1907:—"In answer to the question: What may the appointments mean? the writer says:—"They mean 'what other acts of Mr. Morley mean. No sort of encouragement to the Congress movement and to persons who are in the bad habit of exposing the weak spots and the not always unselfish purposes of the perfectest bureaucracy in the world. A pretence must be made of satisfying Indian opinion and Indian sentiment, but what is purported to be given with the right hand must be taken away with the left hand. None should be admitted into the temple of Anglo-India at Westminster who will not say aye to every reform "adumbrated" by the Government of India, "of their own initiative." Not to speak of a Dutt or a Gokhale, let alone a Mehta, not even an Amir Ali . . . will make a suitable member of that body. And even for appointing two such perfectly innocuous men . . . a special Bill should be passed . . . to add to the strength of the Council, so that no Anglo-Indian may be called upon to surrender his seat to an Indian." (Pages 285 and 286).

announcement was greeted with a storm of opposition¹ both inside and outside the House of Lords, which made Lord Morley write to the Viceroy:—"It is lucky that my appointment of an Indian member on your Executive Council does not need Parliamentary sanction, for I don't believe the House of Lords would agree."² And he took the precaution of waiting till the Indian Councils Bill was safely through the House of Lords before making the appointment.

Before closing this section, reference may be made to the opposition offered in this connection by the Indian Mussalmans. They were afraid that if only one Indian was appointed the choice would fall upon a Hindu. So they represented that instead of one, two Indians should be appointed to the Viceroy's Council, one of whom should be a Mahomedan. The Secretary of State told the Moslem Deputation that waited upon him in February 1909 that it was impossible to appoint two Indians as that would reduce the English element to unsafe proportions. To quote his own words:—"That may be alright, but it would be a very serious step."³ At any rate he was not prepared to shoulder the responsibility.

Reference may also be made to another point that was raised in connection with the appointment of an Indian to the Viceroy's Council. The question over which there was a difference of opinion was whether the appointment should rest purely upon convention or whether a statutory provision should be made for the purpose. The Indian public opinion—with sad experiences of British promises in the past—preferred the latter course to make things sure; whilst the Secretary of State decided in favour of the former as he did not like racial discrimination clauses in an Act of the British Parliament and because he was not sure that a Bill with an obligatory provision to appoint an Indian to the Viceroy's Council would have any

¹ Writes Lord Morley: "The bitter cry against the Indian Member grows more and more shrill—reinforced by our Moslems. But if I once make the recommendation, the cry will drop. Meanwhile, not a single newspaper for us!" (Recollections, Vol. II, pages 293 & 294).

² *Ibid*, page 293.

³ Indian Speeches of John Morley, page 265.

chance of passing through the House of Lords. However, all controversies were set at rest by the appointment of the first Indian Member of the Viceroy's Council, on March 24, 1909.

III

The Indian Councils Act, 1909 increased the size of the various Legislative Councils in India. The Act fixed the maximum strength of each Council. "Excluding the Head of the Government and the Members of the Executive Councils, it varies from 60 for the Council of the Governor-General, to 30 for the Councils of the Punjab and Burma, the number for each of the other five Provincial Councils being 50."¹ The actual strength of the Councils including the Heads of the Governments and the members of the Executive Councils created under the Regulations of November 15, 1909, was as follows:—Imperial Legislative Council, 69; Madras Legislative Council, 47; Bombay Legislative Council, 47; Bengal Legislative Council, 52; U. P. Legislative Council, 47; Eastern Bengal and Assam Legislative Council, 41; Punjab Legislative Council, 25; and Burma Legislative Council, 16.² In addition, the Head of the Government had the power to nominate one or two experts to a Provincial Legislative Council when legislation demanding expert advice was in hand.

Each Legislative Council was to consist of three classes of members—the official, elected, and the nominated non-officials. In the Imperial Legislative Council the Secretary of State had insisted on retaining the official majority. The Government of India had proposed in its Dispatch of October 1, 1908, a Legislative Council of 62 members, excluding the Governor-General, with 31 officials and 31 non-officials, 28 of whom were

¹ Resolution No. 4213 of the Government of India, dated 15th November 1909, Mukherjee: Indian Constitutional Documents, Vol. I, page 377.

² As a result of the modifications in the Partition of Bengal in 1911, the Council for Eastern Bengal and Assam ceased to exist and a Council for Bihar & Orissa and another for Assam came into existence. The strength of these two Councils was fixed by the Regulations of 1912 at 44 and 25 respectively.

For purposes of comparison the total strength of the Councils before 1909 are given here:—Imperial Legislative Council, 25; Madras & Bombay Councils, 24 each; Bengal Council, 21; U. P. and Eastern Bengal and Assam Councils, 16 each; and the Punjab and Burma Councils, 10 each.

to be elected. "In the event of the Council being equally divided so that 31 officials were on one side and 31 non-officials on the other, the Viceroy's vote would turn the scale."¹ Lord Morley criticised this scheme "of calling into play an official majority while seeming to dispense with it"²; and he considered a "substantial" though not "an overwhelming majority" of officials absolutely essential in the Viceroy's Legislative Council. The Regulations of 1909 created an Imperial Legislative Council consisting of the Governor-General, 36 other officials nominated by the Viceroy; 25 elected and 7 nominated non-official members—with an official majority of four besides the Governor-General.

In the case of the Provincial Legislative Councils it was not considered necessary to have official majority. In view of the fact that the powers of the Provincial Councils were very limited and the Head of the Government had the power to withhold assent to any measure passed by a Council, Lord Morley had advised the Government of India to give up official majority in the case of the Provincial Councils; though it was only in one case, that of Bengal, that there was to be an elected majority. The relative strength of the official, elected and nominated non-official members is shown by the following table³ :—

Name of the Council.	Elected.	Nominated non-officials.	Officials.	Total (excluding the Head of the Gov. and the experts),
India	25 (27)	7 ()	36	68
Madras	19 (21)	7 (5)	20	46
Bombay	21	7	18	46
Bengal	26 (28)	5 (4)	20	51 (52)
United Provinces	20 (21)	6	20	46 (47)
East Bengal & Assam	18	5	17	40
Punjab	5 (8)	9 (6)	10	24
Burma	1	8	6	15
Bihar & Orissa .	(21)	(4)	(18)	(43)
Assam	(11)	(4)	(9)	(24)

¹ Mukherjee : Indian Constitutional Documents, Vol. I, page 288

² *Ibid*, page 319.

³ The changes made in 1912 are indicated by figures in brackets. All the above figures are taken from the Moral & Material Progress Report of 1911-12 and the nine preceding years, page 59.

No special qualifications were laid down in the Regulations in the case of the nominated members. The object of nomination was to give representation to certain interests which were not sufficiently organised to be represented through election, e.g., in the case of the Imperial Legislative Council it was laid down that of the nominated members one must be from the Indian commercial community, one from the Punjab Mohammedans, and one from the land-holders in the Punjab.

Among the official members, some were *ex-officio*—the Head of the Government and the members of the Executive Council were *ex-officio* members in each case ; the rest were nominated by the Head of the Government. No special qualifications were prescribed for the purpose. Similarly nothing definite was said in the Regulations about the nomination of experts, except that they may be either officials or non-officials.

In the case of elected members, however, elaborate rules were laid down by the Regulations which need special consideration. As a matter of fact the whole subject of elections is important and deserves separate treatment.

IV

The system of election—both direct and indirect was first recommended for adoption in India by the Aitchison Committee on Reforms appointed by Lord Dufferin in the late eighties of the last century.¹ But the recommendation was turned down by the then Secretary of State for India. The Indian Councils Act, 1892 contained no reference to the introduction of a system of elections in India though it was understood that virtually a system of indirect elections would be instituted in connection with the selection of some of the additional members of the new Councils set up by the Act. To illustrate :—The Regulations of 1892 gave the right to the non-official members of the municipal and district boards to elect their representatives for the Provincial Councils. The

¹ See page 199, *supra*.

successful candidates were then recommended to the Head of the Government for nomination. Similarly the non-official members of the Provincial Legislatures chose their representatives through election for the Imperial Legislative Council. They were then nominated by the Viceroy to the Council. Thus, although technically the representatives were nominated by the Head of the Government in reality they were elected by their constituents.

The Reforms of 1909 tried to do away with the fiction of nomination of elected representatives and openly adopted, wherever practical, the system of election for the appointment of non-official members to the various Legislative Councils. This was no doubt a step in the right direction, but the proposals made by the Government of India to carry into effect the principle of election were most novel, scientifically unsound and socially vicious and mischievous ; and they were rightly condemned by the thinking men of all communities,¹ by some of the English publicists both in India and in England, and even by several high officials in the country.

"The basis of the whole scheme" wrote the *Nation*, when the proposals were first published in August 1907, is, indeed, "the doctrine of counterpoise." "The Government of India, realising that 'intellectuals' will always be a restless and critical element, is turning to the landowners for support."² Mr. V. H. Story wrote about the proposals in *the New Age*, London :—"they are tainted all over with a degrading appeal to class interests and always upper class interests".² The *Statesman* of Calcutta, the leading Anglo-Indian Daily, strongly condemned the special representation offered both to the landlords and the Mohammedans :—"Even more questionable than the effort of the Government to aggrandize the landed interests is their courting of Mohammedan support.....we view with grave concern the action of the Government in selecting one section of the population for differential treatment such as is

¹ The views of some leading Mohammedans are quoted at the end of the last chapter.

² Quoted in "Hindustan Review," September 1907, page 272.

not tendered to any other portion..... The more carefully the Council reforms mooted by the Government of India are considered, the more apparent does it become that the scheme amounts to little else than provision for including in the Legislative Councils more landowners and more Mohammedans."¹ The Chief Commissioner of the Central Provinces wrote in his Memorandum on the Scheme:—"I do not think it is advisable to create constituencies made of artificial electorates with no common tie but that of creed or occupation, corresponding to no local area and belonging to no organised association already in existence. It would, in my judgement, be better to have such elective powers as may be thought suitable, according to the inclination of the elective bodies.....and not to anticipate that lawyers and school masters will oust the landowning classes, or that constituencies which are mainly Hindu will not return Mohammedans. If any classes are found not to be adequately represented among the elected members, the deficiency can be made good by nomination."² *The Indian Social Reformer* took strong exception to the grant of special representation to the land-lords and also to the basing of the system of election in the Provinces on differences of race, creed and castes. It wrote: "Worse than this (special representation to land-lords), we regard the attempt to base political institutions on the caste system..... It makes a great descent, and can only be explained by the stress of political exigency."³ Summing up his views—after "a perusal and reperusal of the scheme itself and of the opinions which it has evoked from the British, Anglo-Indian and the Indian Press"—wrote a Chronicler in the *Moderate Monthly*, *The Hindustan Review* of September 1907—"We have come deliberately to the conclusion that the lot of the educated Indians, if and when the scheme takes effect, will be much worse than even at present, and the best

1 "Hindustan Review", September 1907, page 280.

2 "Hindustan Review," April 1909, page 444.

3 "Hindustan Review," September 1907, page 282.

that we could wish for it is that it will be buried, unwept, unhonoured and unsung."¹

It would indeed have been better if the scheme of political representation worked out by the Government of India on the doctrine of "counterpoise of natives against natives" had been thrown into oblivion—then, perhaps, the problems of the so called "minority" representation which are defying solution today, might not have arisen. It is true that Lord Morley made an attempt—perhaps not a very determined one, or was it that the odds were too heavily arrayed against him?—to amend the proposals of the Government of India in such a way as to remove its most objectionable features. But unluckily he failed and the Government of India was able to embody almost all their original proposals in the Regulations that were framed to give effect to the Indian Councils Act, 1909. It was for this reason that these Regulations were so strongly condemned by Indian public opinion. However, to proceed with the examination of the system of elections instituted by the Regulations of 1909:—

The Regulations fixed the number of elected members for each Legislative Council, varying from 26—later raised to 28—in the case of Bengal, to only one in that of Burma.² They were elected only to a very limited extent through territorial constituencies. The Government of India held that conditions in India were different from those prevailing in the Western countries and that mere territorial electorates would not give proper representation to the various classes, communities and castes. They quoted figures from previous elections to prove their contention:—"Of the non-official members elected to the Imperial Council since 1893, 45 per cent have belonged to the professional middle class; the landholders have obtained 27 per cent of the seats; and the Mohammedans only 12 per cent; while the Indian Mercantile community, a large and increasingly important body have had

¹ Hindustan Review, September 1907, pages 273 & 274.

² For other figures, see page 394, *supra*.

no representation at all."¹ Again, in the case of the Provincial Councils out of a total of 338 non-official members elected since 1893, "as many as 123 or 36 per cent, have been lawyers and only 77 or 22 per cent landowners."² To a person familiar with the constitution of representative chambers in the various parts of the world, there does not appear to be anything unusual in the figures given by the Government of India. As was pointed out by the *Statesman* of Calcutta, at the time:—"In the House of Commons, in the Chamber of Deputies, in the American House of Representatives, the lawyers are in a majority." And it is natural that this should be so, because "legislation requires expert criticism, a task which the training of the lawyer enables him to perform more efficiently than the average layman. The Maharajas and great Zamindars often speak sensibly, but they have not the intellectual force by which the lawyer can produce conviction. By endeavouring to increase the number of landholders, therefore, the Government are seeking to strengthen the representation of a class unqualified for the objects which a legislature is intended to serve, at the expense of a class which has everywhere demonstrated its competence. They aim at substituting those who cannot criticise for those who can."³ Moreover, it should be remembered that "after all the lawyer or the school master sits not as the spokesman of his own professional interests, but because his education, his quickness of wit, his power of speech have obtained for him the sufferages of the small farmers and peasant cultivators,"³ as was put by the *London Nation*. From this point of view, then, there was no difference at all between India and the Western countries. Nor was there really any other fundamental difference between the Western countries and India which would have affected the problem of political representation at that time. In the Western countries also the landed interests and other classes are often inadequately represented and religious minorities like

¹ Mukherjee: Indian Constitutional Documents, Vol. I, page 285.

² *Ibid*, page 261.

³ *Hindustan Review*, September 1907, page 276.

the Jews and the Roman Catholics in Protestant countries get little or no representation. But none of these countries have ever adopted the system of separate class and communal electorates. However, the Government of India decided that the special conditions prevailing in India required the creation of class, communal and special electorates.

The electorates created by the Regulations under the Act of 1909 may be divided into three main classes:—(1) General Electorates, consisting of the non-official members either of Provincial Legislative Councils or of the Municipal and District Boards; (2) Class Electorates, comprising of (i) Landholders' constituencies, and (ii) Mohammedan electorates; and (iii) Special Electorates, consisting of Presidency Corporations, the Universities, Chambers of Commerce, Port Trusts, Planting and Trade interests, etc.

The 27 elected members of the Imperial Legislative Council were to be elected as follows:—(1) 13 members by the General Electorates—two members each by the non-official members of Bengal, Bombay, Madras and U. P. Legislative Councils and one member each by those of the Punjab, Bihar and Orissa, Assam, Burma and the C. P. Councils¹; (2) 6 members by special landholders' constituencies in the six Provinces—one from each—Bengal, Bombay, Madras, U. P., Bihar & Orissa, and the C. P.²; (3) 6 members by separate Mohammedan Constituencies—two³ from Bengal and one each from Madras, Bombay, Bihar & Orissa and the U. P.⁴; and (4) 2 by special electorates—one each by the Bengal and Bombay Chambers of Commerce.⁵

Similarly the elected members of the Provincial Legislative

¹ Before the C. P. Legislative Council was created in 1914, one member from the C. P. was returned by an Electoral College, consisting of 50 delegates from the Municipal and District Boards.

² One from among the landholders of the Punjab was nominated by the Viceroy.

³ One out of the two was from the special Moslem Constituency, and the second was chosen alternately by the Bengal Moslem landlords and the Bengal Moslem constituency.

⁴ One Punjab Moslem was to be nominated by the Viceroy.

⁵ The Chambers of Commerce were European organisations; a member of the Indian mercantile community was to be nominated by the Viceroy.

Councils were returned by the three different kinds of constituencies—the General, Class and Special Electorates. To take the case of Bombay for illustration; the 21 members of the Council were elected as follows:—(1) Eight by the General Constituencies—one member by the Municipalities and one by the District Boards of the Southern, Northern, Central and Sind Divisions respectively of the Presidency¹; (2) Three by the Landholders' Constituencies—one by the Sardars of the Deccan, one by the Sardars of Gujerat and one by the Jagirdars and Zamindars of Sindh; (3) Four by Moslem Electorates—one by the city of Bombay and one each by the Moslems of the Southern, Northern and the Central Divisions; and (4) six by special electorates—one each by the Bombay Corporation and Bombay University, two by the Bombay and Karachi Chambers of Commerce and the Indian Mercantile community and two by the Mill-Owner's Associations at Bombay and Ahmedabad.

The Regulations also prescribed certain qualifications for both (a) the candidates for election, and (b) the voters. To begin with the qualifications of the candidates for election:—“No person shall be eligible for election . . . if such person—(a) is not a British subject, or (b) is an official, or (c) is a female, or (d) has been adjudged of unsound mind, or (e) is under twenty-five years of age, or (f) is an uncertified bankrupt or undischarged insolvent, or (g) has been dismissed from the Government Service; or (h) has been sentenced by a Criminal Court to imprisonment for an offence punishable with imprisonment for a term exceeding six months or to transportation, or has been ordered to find security for good behaviour, or (i) has been debarred from practising as a legal practitioner or (j) has been declared by the Governor-General in

¹ The non-official members of each Municipality and District Board were to elect delegates according to the population of the area to two separate Electoral Colleges in each Division. Each electoral College was to return one member to the Council. In some other Provinces delegates were elected according to Municipal or District Board income as in Bengal. In the case of Bombay each Municipality was entitled to send one delegate for each 10,000 and each District Board for each one lakh inhabitants to the Divisional Electoral College.

Council to be of such reputation and antecedents that his election would . . . be contrary to the public interest."¹ Some of these disqualifications—the last four²—could be removed by an Order of the Governor-General in Council. This regulation was severely criticised by Indians as it debarred those who had taken part in the last agitation, 1905-09, from standing for Council elections. Besides these general qualifications special qualifications were prescribed for those who were standing from the class electorates.

As far as the qualifications for the voters were concerned, it was laid down that females, minors or persons of unsound mind could not vote at any of the elections. Separate qualifications were prescribed for (a) the Landholders' Constituencies and (b) Moslem Electorates.

(a) Qualifications for the landholders' constituencies varied for the Imperial and the Provincial Councils, for Moslem and Hindu voters,³ and from Province to Province. For the Imperial Council elections, substantial landowners with certain specified incomes⁴ or certain minimum land revenues payments⁵ or with high titles⁶ or with certain honorary offices⁷ were given the right of voting. In the case of the Provincial Councils similar qualifications were laid down, only they were lower than those in the case of the Imperial Council.

¹ Regulation No. IV, Mukherjee : Indian Constitutional Documents, Vol. I, pages 350-1.

² Disqualification (a) also could be removed by the Governor-General in Council after 1914.

³ As an instance of this the case of Eastern Bengal may be quoted. "A Hindu must pay Rs. 5000 as revenue, a Mohammedan Rs. 750 only The cess qualification of the former is Rs. 1250 of the latter Rs. 188. The payment of income-tax, the receipt of a government pension and the fact of his being an Honorary Magistrate, do not qualify Hindus for voting. They do qualify Mohammedans. Qualifications for elections on the Provincial Councils show the same injustice to the Hindus. And this, be it remembered, is not in a province where there is a Mohammedan minority, but an overwhelming majority." (Macdonald, *Awakening in India*, page 176). Pandit M. M. Malaviya moved a resolution in the Imperial Legislative Council, on 24th January, 1911, to recommend to the Government to remove such discriminations and other defects from the Regulations.

⁴ In the case of Madras, it was Rs. 15,000.

⁵ The figure was ordinarily ten thousand rupees.

⁶ In Bengal those with the titles of Raja and Nawab were given the right of voting.

⁷ In the C. P. those who held the Office of Honorary Magistrate could also vote.

(b) Qualifications for the Mohammedan Electorates also varied for the Imperial and Provincial Councils and from Province to Province as well. It is not possible to summarise them briefly in each case. However, it may be mentioned that the number of voters for the Imperial Council in each Province was smaller than for the Provincial Council and that those who paid land-revenue of a specified amount or who were assessed to income-tax or who were members of the Provincial Councils or fellows of the Indian Universities or graduates of certain standing or Government pensioners were included in the list of voters.

The candidates standing for elections from the class constituencies were required to possess the qualifications of voters in those constituencies besides the general qualifications for all candidates already described above.

Before closing this section reference may be made to three or four points. First, that all members of the Councils were required, before taking their seats, to take an oath or make an affirmation of allegiance to the Crown ; second, the term of membership was fixed ordinarily for three years ; third, the scheme of caste and creed electorates proposed by the Government of India in its Circular Letter of August 24, 1907, was not adopted in the Regulation of 1909 ; and lastly, the Regulations framed to put into force the Act of 1909 were—as was admitted by Lord Minto himself—"extremely puzzling and often very confusing."¹ This was due to the fact that the Government was—to use again Lord Minto's words—"very anxious to avoid any appearance of a Parliamentary franchise. I set my face against anything that might appear to resemble it. We did not want a Parliament at all ; we wanted Councils . . . , but did not want Councils elected on Parliamentary lines"²

The constitutions of the new Councils were thus purposely made defective—so that they may not resemble the British

¹ Quoted in R. S. Iyengar's *Indian Constitution*, page 155.

² *Ibid.*, page 157.

Parliament even in their composition. But still the more important reason was the one already pointed out above and which is partly disclosed by the Circular Letter of August 24th, 1907.¹ This was to divide the slowly uniting people of India into water-tight compartments on the doctrine of "counterpoise of natives against natives."

V

The Indian Councils Act, 1909, not only enlarged the size of the Councils and the number of non-official members, but it also empowered the various governments in India to make rules for extending the business of the Councils. According to the rules made under this section the Councils were given the right of discussing the financial statements and moving resolutions thereon and also of moving, discussing and voting on resolutions dealing with matters of public importance.

The main advance made by the Reforms of 1909 was in connection with the extension of the powers of discussion especially in financial matters. For instance, in the Imperial Legislative Council, after the Financial Statement has been presented by the Finance Member, any member may give notice of a resolution "relating to any alteration in taxation, any new loan or any additional grant to Local Governments proposed or mentioned in such Statement or explanatory Memorandum." On the specified day such resolutions will be moved, discussed and voted upon by the Council. After all the resolutions have been disposed of, each head or group of heads shall be taken into consideration separately—and in case of each of these any member may move a resolution, which will then be discussed and voted upon by the Council. After all the heads or groups of heads have been disposed of, the Finance Member shall present, "on or before March 24th", the Budget—explaining any changes that may "have been made in the figures of the Financial Statement, and the reasons "why any resolutions passed in the Council have not been

¹ Mukherjee : Indian Constitutional Documents, Vol. I, page 262.

accepted.”¹ A day was then fixed for general discussion of the Budget, “but no member shall be permitted to move any resolution in regard thereto, nor shall the budget be submitted to the vote of the Council.”² Besides these restrictions there were two others on the powers of the members to discuss financial matters. First, that there were certain heads, both of revenue³ and of expenditure,⁴ that were not open to discussion by the Council and, second, that the President had the right to disallow any resolution or part of a resolution without giving any specific reason.⁵

According to the Rules, the Imperial Legislative Council had also the right to discuss resolutions on matters of general public interest, subject to certain limitations and the power of the President to disallow any resolution whose discussion he may consider against public interest. A notice of 15 days was ordinarily required for moving resolutions which must be in a prescribed form and raise a definite issue. Amendments may be moved in the course of discussion; and the Council had the right of voting upon them and the resolution. The resolutions of the Council were in the nature of recommendations to the Government which the Government may or may not accept.

The right to ask questions was also slightly enlarged by the new Regulations. A member who had asked a question was given the right to put a supplementary question to elucidate the answer—however the general body of members as such were not given the right of asking supplementary questions.

Similar powers of moving resolutions, asking supplementary questions and discussing the financial statements were

¹ Rule No. 21 (1), R. S. Iyengar: Indian Constitution, page cciii.

² Rule No. 22 (2), *Ibid.*

³ Heads not open to discussion were, Stamps, Customs, Assessed Taxes, Tributes from Native States, Courts, Army, Marine, Military Works, all purely provincial revenues. *Ibid.*, page ccv.

⁴ Heads not open to discussion were, Assignments and Compensations, Interest on Debt, Ecclesiastical, Political Expenditure, Territorial and Political Pensions, State Railways, Army, Marine, Military Works, Special Defences, all statutory charges, all purely provincial expenditures. *Ibid.*, page ccv.

⁵ Rule No. 8, Iyengar: The Indian Constitution, page cci.

given by special rules framed for the purpose to members of each Provincial Council.

VI

The Indian Councils Act, 1909, also dealt with the constitution of the Executive Councils. The Government of India Dispatch, 1908 had tentatively made a suggestion in its last paragraph:—"It may be that experience will show the desirability of strengthening the hands of Lieutenant-Governors in the larger provinces by the creation of Executive Councils and assisting the Governors of Madras and Bombay by enlarging the Councils which now exist in those presidencies."¹ Lord Morley dealt with this question in a more definite way and considered the time ripe to take definite powers from the Parliament in this connection. In regard to the Executive Councils in the Presidencies of Madras and Bombay the Secretary of State desired "to take power to raise to four the number of members, of whom one, at least, should be an Indian."² The appointment of an Indian was to depend on practice and usage and not on the statute. Section 2 (I) of the Act of 1909 gave powers to the Secretary of State in Council to appoint up to four members to the Councils of the Presidency Governors. Lord Morley also considered it necessary to create Executive Councils for the other Major Provinces and felt that a general power to establish Executive Councils for all Lieutenant-Governors should be taken from the Parliament. Consequently a provision was inserted to this effect in the Indian Councils Bill introduced by him in the House of Lords. However, owing to opposition in the Lords, it was dropped, but was re-introduced again in a modified form in the House of Commons and finally sanctioned by the House of Lords. According to the provision finally passed by the Parliament, the Governor-General in Council were empowered, with the approval of the Secretary of State, to create an Executive Council, of not more

¹ Mukherjee : Indian Constitutional Documents, Vol. I, page 309.

² *Ibid*, page 324.

than four members, for Bengal. As far as the other major as well as the minor provinces were concerned no direct power of creating Executive Councils was conferred on the Governor-General in Council. On the other hand power was reserved to the Parliament to stop the creation of any other Executive Council, even if the Government of India, with the approval of the Secretary of State, proposed to do so. The clause in this connection runs as follows:—"It shall be lawful for the Governor-General in Council, with the like approval (as in the case of Bengal), by a . . . proclamation, to create a Council in any other province under a Lieutenant-Governor for the purpose of assisting the Lieutenant-Governor in the executive government of the province. Provided that before any such Proclamation is made a draft thereof shall be laid before each House of Parliament for not less than sixty days during the session of Parliament, and, if before the expiration of that time an address is presented to His Majesty by either House of Parliament against the draft or any part thereof, no further proceedings shall be taken thereon, without prejudice to the making of any new draft."¹ In other words, the Act gave power to the Government to create other Executive Councils subject to the veto of the either House of Parliament. The members to the Councils of the Lieutenant-Governors were to be appointed by the Governor-General with the approval of the Crown.

VII

The Indian Councils Act, 1909, contained no provisions in regard to the creation of any Advisory Councils. The Government of India had attached a great deal of importance to the creation of Advisory Councils both for the Centre as well as for the Provinces in their original proposals. The Legislative Councils were called too infrequently "to offer the means of confidential and intimate consultation and

¹ Section 3 (2) of the Act, Mukherjee : Indian Constitutional Documents, Vol. I, page 247.

the strict procedure by which they are restrained naturally tends to formality.”¹ Hence the proposal to create Imperial and Provincial Advisory Councils. The Imperial Council was to consist of about sixty members, out of which 20 may be Ruling Chiefs and the rest Landed Magnates from the various provinces, selected for five years, without any formal powers and with purely advisory functions on those matters specifically referred to the Council. “The proceedings of the Council . . . should, as a rule, be private, informal and confidential, and they would not be published, although Government would be at liberty to make any use of them that it thought proper.”² Similarly there would be Provincial Advisory Councils consisting of the great landholders representing the province in the Imperial Advisory Council and the representatives of “smaller landholders, industry, commerce, capital, the professional classes”³ and the non-official Europeans, with purely advisory functions.

The proposals to create Advisory Councils met with strenuous opposition from the leaders of public opinion in India. They regarded them not only “as superfluous and illusory”,⁴ as acknowledged by the Government of India, but also as mischievous. They were afraid that the Councils will be used to mislead British public opinion. Acts like the deportation of Lala Lajpat Rai, which are universally condemned by the educated classes, would be placed before the Advisory Councils—the majority of whose members will be induced to pass resolutions of approval. The Government “will then publish the resolution hoping thus to mislead an ill-informed and credulous British public and throw dust in the eyes of the world.”⁵ But “if the Advisory Council summon enough courage to pass a resolution of condemnation [on the Berar deal or on the Jhalawar deposition], the bureaucracy

¹ Section 3 (2) of the Act, Mukherjee : Indian Constitutional Documents Vol. I, page 256.

² *Ibid.*, Vol. I, page 258.

³ *Ibid.*, page 259.

⁴ *Ibid.*, page 273.

⁵ Hindustan Review, September 1907, page 285.

may easily make up their mind and satisfy their official conscience by not publishing such a resolution to the world."¹

The formation of Advisory Councils was also opposed by the Ruling Princes and some of the Provincial Governments, notably that of Madras. The chief ground of opposition in the case of the Princes and some of the Provincial Governments was the mixing of Ruling Chiefs and territorial magnates in one and the same Council. The Government of India, therefore, decided to abandon their original scheme and made modified proposals in their Dispatch of October 1908. In the first instance, they proposed to constitute only a small Council of Ruling Chiefs, to be chosen by the Viceroy for such time as he may please and to be consulted at his discretion either individually or collectively.² Secondly, the proposal to constitute a separate Council of British Indian Notables was not to be proceeded with for the time being. And, thirdly, the Government of India recommended that small Advisory Councils should be created in those Provinces in which they are desired by the Heads of Governments. The size was to be fixed by the Government of India, though the members were to be selected by the Local Government—the criterion being "distinction of some kind, whether arising from intellectual capacity, personal influence, or representative position."³

These proposals of the Government of India were neither liked nor supported by the Secretary of State. In regard to the constitution of an Imperial Council of Ruling Chiefs, he felt that the practical difficulties—"expense, precedence, housing, for instance, even if there were no others"⁴—in the way of its assembling, were too great to be overcome easily. And "if not definitely constituted with a view to assembly, it would possess little or no reality."⁴ As to the establishment of Provincial Advisory Councils, Lord Morley felt that these

¹ Hindustan Review, September 1907, page 285.

² Mukherjee : Indian Constitutional Documents, Vol. I, page 276.

³ *Ibid*, page 281.

⁴ *Ibid*, page 311.

new Councils—whether large or small—are almost certain to become rivals of the old (*i.e.* the Legislative Councils) and, from the first, they “would be suspected as designed to be a check upon the old.”¹ Lord Morley was of opinion that all the objects of the Government of India could be achieved by developing the existing practice of privately and informally consulting the important princes, on the one hand, and the leading men of each locality, on the other.

The opposition of the Secretary of State put an end to the proposals of the Government of India and the Reforms of 1909 came into force without any Advisory Councils either with the Central or the Provincial Governments in India.

¹ Mukherjee : Indian Constitutional Documents, Vol. 1, page 312.

PERIOD III

1909—1919

CHAPTER XXII.

THE POLICY OF DECENTRALIZATION.

I.

I have already described the attempts that Lord Curzon made to centralize and officialize the system of administration in India. Lord Curzon was an apostle of efficiency and he pressed, as was pointed out by Lord Morley in July 1907, this "doctrine of administrative efficiency . . . too hard"¹ till there was a grave danger of the Government of India becoming "a pure bureaucracy, competent, honourable, faithful, and industrious . . . but if the present system is persisted in . . . likely to become rather mechanical, rather lifeless, . . . rather soulless."²

Lord Morley was alarmed at the rapid growth of over-centralization.³ He called it "a great mischief" and was of opinion that it was to no small extent responsible for the widening gulf between the officials and the people in India. Ever since he came to the India Office he was thinking of reviving periodical parliamentary inquiries of the type that used to be held in the time of the East India Company ; and he saw a good opportunity of pressing the suggestion on the Government of India in 1907 when there was a general demand both in England and in India for an impartial and an authoritative inquiry into the causes of Indian discontent. The Government of Lord Minto was against a general parliamentary enquiry and convinced Lord Morley "that such inquiry would not produce any of the advantages such as were gained in the

¹ Speeches of John Morley, page 65.

² *Ibid*, page 66. This recalls the speech delivered by Mr. Montagu, on July 12, 1917, on the Mesopotamia Commission Report in the House of Commons. He said : "The Government of India is too wooden, too iron, too inelastic, too anti-diluvion, to be of any use for the modern purposes we have in view." Page IX The Indian Annual Register, 1919.

³ He said : "The tendency in India is to over-ride local authority, to force administration to run in official grooves", Speeches of John Morley, page 66.

old days of old Committees, while it would produce a good many drawbacks and would lead to all kind of difficulties."¹ However, the Secretary of State proceeded to announce in the House of Commons, "I have determined, after consulting with the Viceroy, that considerable advantage might be gained by a Royal Commission to examine, with the experience we have gained over many years, into this great mischief—for everybody knows, all the people in India who have any responsibility know, that it is a great mischief, this over-centralization."¹ Consequently, a Royal Commission with Mr. (afterwards Sir) Charles Hobhouse as Chairman, was appointed in December 1907 to recommend measures of decentralization.

Lord Morley had expected much from the labours of this Commission and he had impressed upon the Chairman—before he left England—the importance of the work and the necessity of making the inquiry searching and thorough. Mr. Hobhouse entered upon his duties with great earnestness but he found the Government of India lukewarm and the officials reluctant to give the necessary information. On some occasions he came into conflict with the Government of India. It may be that he was lacking in tact and had perhaps too high a sense of his own importance, as is pointed out by Lord Minto's biographer,² but it is also a fact that the Anglo-Indian bureaucracy was very secretive and did not give to the Commission ready and willing co-operation. In spite of this handicap the Commission did its work well and presented an able and comprehensive report in February, 1909.

II.

The Indian Decentralization Commission looked at the question from a narrow, administrative point of view and not from a broader, political standpoint. However, as pointed out by the Montford Report, "it would be unjust . . . to blame the Commission for not taking a broader view of their

¹ Indian Budget Speech, July 1907. Page 68, Speeches of John Morley. However, no inkling was given as to the nature of the drawbacks or difficulties by Lord Morley.

² Buchan : Lord Minto, page 266.

task Their work must be judged by the conditions of 1908 and not those of 1918 [much less of 1933] ; it was the appropriate corollary to, and in keeping with, the Morley-Minto changes."¹ The Commission dealt with the relationships between the Government of India and the Provincial Governments on the one hand and with the Provincial Governments and the local authorities on the other and also between each ring of the official hierarchy and made a series of recommendations with a view to "the relaxation of control by higher authorities and the simplification of administrative methods".² It took quite a long time for the Government of India to examine the proposals of the Commission and to issue Resolutions and Orders to put those of them, with which they agreed, into effect.

Many of the proposals of the Indian Decentralisation Commission dealt with matters of administrative detail—of pure administrative devolution in the various government departments—which are not relevant to the purposes of this narrative. The other recommendations may be grouped together into three main heads:—(1) Those relating to the constitutions of Provincial Governments and to the delegation of powers to divisional and district officers ; (2) those concerning financial devolution ; and (3) those dealing with the expansion of the sphere of local self-government.

III.

The Indian Decentralisation Commission was definitely of opinion "that the system of single Lieutenant-Governors is no longer suited to the large provinces"³ ; but they did not want

¹ Report on Indian Constitutional Reforms, 1918, pages 3 and 4. It must however be pointed out that important non-official witnesses like Mr. Gokhale had urged upon the Commission the necessity of taking a wider view of things and of giving "real voice" to the representatives of the people in provincial affairs. For this purpose decentralization was necessary ; but if the Provincial Governments were to remain as autocratic as before—"petty despotisms",—Mr. Gokhale and Indian public opinion generally opposed any relaxation of control from above, as the Government of India officials would certainly take a broader view of matters than provincial officers bound by local prejudices and local prepossessions.

² *Ibid*, page 3.

³ Mukherjee : Indian Constitutional Documents, Vol. I, page 724.

civilian Governors with civilian colleagues. They wrote, "we prefer a regular Council Government, such as exists in Madras and Bombay, with a Governor usually, but not invariably, appointed from Home. We think that all Council Governments should consist of not less than four members besides the Governor, and not less than two of them should be appointed under the conditions which now apply in Madras and Bombay. The enlargement would permit of the appointment of specially qualified natives of India."¹

This recommendation was much in advance of the provision finally made in the Indian Councils Act, 1909, passed a few months later.² Indian public opinion attached great weight to recruiting Heads of Provincial Governments from among public men in England who had not settled down into bureaucratic ruts like the members of the Indian Civil Service. But neither Lord Morley nor even Mr. Montagu ten years later had the courage to face the displeasure of the Civilians in India by depriving them of some prized posts. And in spite of the fact that Civilian Governors are ill-fitted to guide responsible ministries they are now the rule rather than the exception.

The commission recommended the absorption of the Boards of Revenue and Financial Commissioners in the Executive Councils where and when established ; but this was not done. However, it considered the retention of Divisional Commissioners essential and it wanted to entrust them with full powers of co-ordinating the work of the various departments in the Division, and larger financial and executive powers, especially in matters of education and appointments. But more important than this was the recommendation of the Commission to enhance the powers and position of the Collector. He should be recognised as the head of the District in all administrative matters ; and he should be entitled to call for information from officers of special departments, and to have such information given to him spontaneously in

¹ Mukherjee : Indian Constitutional Documents, Vol. I, page 724.

² See page 407, *supra*.

matters of importance"¹ The Commissioners made a number of other recommendations to implement it.

A proposal was made by a number of important witnesses, including Mr. Gokhale, before the Commission that District Advisory Councils should be associated with Collectors. But the Commissioners did not seriously consider the proposals before rejecting it. They did not want an addition to the number of boards, councils and committees already in existence and suggested that a Collector could whenever he liked consult some of the non-official members of the District Boards. Only one member of the Commission, Mr. R. C. Dutt, supported the suggestion of Mr. Gokhale and other non-official witnesses.² He considered that "the real cause of much discontent in India" was "the isolation of the district administration which is virtually a one-man-rule"; and, he was afraid, that "to invest the Collector with larger powers", as recommended by the majority of Commissioners, "would create discontent and dissatisfaction among the people."³

Mr. Gokhale moved a resolution on February 27th, 1912 in the Imperial Legislative Council to recommend to the Government the creation of District Advisory Councils and he gave the example of the Prussian District Committees to support his proposal. He made the proposal particularly modest but in spite of his moderation the proposal was not accepted by the Government.⁴

Mr. (afterwards, Sir) Romesh Chandra Dutt had also dissented from another important recommendation of the majority of the Commission that the delegation of executive functions from a higher to a lower authority should be accomplished by Government notifications under a General Act of

¹ Mukherjee: Indian Constitutional Documents, Vol. I, page 726.

² Out of 152 witnesses who touched upon the subject 84 were non-officials. As many as 71 out of them were in favour of the proposal and only 13 were against. The vast bulk of the official witnesses were against it—the figures being 9 in favour, 58 against and 1 in favour of Divisional and not District Committees—see pages 493 & 4, Speeches of Gopal Krishna Gokhale.

³ Quoted by Mr. C. Y. Chintamani in the Hindustan Review of May & June, 1909, page 562.

⁴ For the actual proposal and arguments for and against see pages 481 to 508 of Natesan's Collection of the Speeches of Gopal Krishna Gokhale.

Delegation which would have curtailed the powers of Provincial Legislatures and removed legislative checks and safeguards on executive action. Mr. Dutt regarded it as "bad in principle", fraught with dangerous possibilities, and amounting to "a breach of faith".

IV.

The next group of recommendations of the Indian Decentralization Commission dealt with the subject of Financial Devolution. The Commission generally approved the system of Provincial Financial Settlements, which was made quasi-permanent by Lord Curzon's Governments in 1904. It, however, suggested certain modifications and adjustments in a series of recommendations,¹ which were reviewed and largely accepted by the Government of India in their Resolution on Provincial Finance No. 27-F., dated the 18th May, 1912.² The system of Provincial Settlements—with slight alterations which will be described below—was made permanent by this Resolution of 1912.

The Government of India considered it necessary to introduce as great a degree of finality as possible in their financial relations with the Provincial Governments. This would be advantageous to both the Imperial and Provincial Governments—to the former because it would make its task much simpler ; and to the latter, because it would give them a more abiding interest in the husbanding and direction of their own resources",³ and also a greater freedom of action within the defined limits.

However, before proceeding to make the settlement practically permanent, the Government of India considered it necessary to examine certain alleged inequalities in the existing settlements and the adjustments suggested by the Decentralization Commission.

The main charge levelled against the previous settlements

¹ The Recommendations are given on pages 719-21, Mukherjee : Indian Constitutional Documents, Vol. I.

² The Resolution is given in its entirety on pages 651-669, *Ibid.*

³ *Ibid.*, page 654.

was the inequality of the treatment meted out to the various Provinces. The Government of India, whilst admitting the difficulty of giving a conclusive reply, was of opinion, that "the supposed inequality of treatment, if it exists at all, is historical and inevitable rather than the outcome of administrative partiality ; whilst its very existence is extremely doubtful."¹ Whatever inequalities had originally existed had been gradually removed by the successive settlements since 1882. "The higgling of a quarter of a century has established a rough equity which could not now be replaced by theoretical calculations."¹ Mr. Gyan Chand has conclusively shown in his "Essentials of Federal Finance" by quoting facts and figures that the above statement of the Government of India is not accurate, and that "there was no equity, rough or refined, in the Settlement of 1911."²

However, the Government of India proceeded on the assumption that there was rough equality between the various provinces. On the other hand, it acknowledged certain other imperfections in the older contracts, which it desired to remove before making them permanent. In the first instance, the Government of India found that in a number of Provinces the fixed assignments had reached a very high figure. The Decentralization Commission had recommended "that when fixed assignments in any Province become unduly large, they should be commuted, as circumstances permit, into shares of growing revenue".³ The Government of India accepted the recommendation with a slight modification, *i.e.* not in all cases, but only in those, where unduly large fixed assignments hampered the expansion of revenue to meet the growth of legitimate provincial expenditure. In view of this, provincial settlements were revised and some more heads were made either wholly or partially provincial—Forest was made wholly provincial ; Excise wholly in Bombay and $\frac{3}{4}$ ths in the C. P. and the U. P. ; land revenue $\frac{1}{2}$ in the Punjab and $\frac{5}{8}$ in

¹ Mukherjee : Indian Constitutional Documents, Vol. I, pages 658-9.

² Page 76, also see pages 71 to 78.

³ Mukherjee : Indian Constitutional Documents, Vol. I, page 719.

Burma ; and the share from major irrigation works raised to $\frac{1}{2}$ in the Punjab. The fixed assignments were proportionately decreased. The net result was the conversion of fixed assignments amounting to 350 lakhs of rupees into a share of growing revenues ; and "to deprive the Imperial Government in future years of an annual net increment of 8.15 lakhs in its share of divided revenues."¹

The policy of giving lump grants to the provinces out of Imperial surpluses also came in for revision in the Resolution of 1912. This "policy of doles", as it was popularly called, was objected to on three main grounds—that it involved greater central interference ; that it was extremely difficult to make a fair distribution ; and that it made the Provincial Governments spend money on comparatively less urgent needs, whilst more urgent needs remained unsatisfied. The Decentralisation Commission considered it impracticable to abolish these grants altogether, but it recommended the adoption of three principles to make them less objectionable—(1) that they shall not involve greater central interference ; (2) that the wishes of Provincial Governments shall be taken into consideration ; and (3) that the grants will not be necessarily devoted to one and the same objects in all provinces. These principles were accepted by the Government of India and embodied in the new rules framed for the grant of "doles".

New rules were also framed by the Government of India in connection with the control over Provincial Budgets. Corrections were to be confined henceforth to divided heads and the proposed totals of revenue and expenditure ; and powers to over-draw upon the balances with the Government of India and to budget for a deficit, under certain abnormal conditions, were granted to the provinces. The question of general control over the Provincial Governments, especially in regard to the creation of new appointments, etc., was made the subject of separate orders by the Government of India.²

¹ Mukherjee : Indian Constitutional Documents, Vol. I, page 660.

² For the revised rules see pages 142-152, Ambedkar : The Evolution of Provincial Finance in British India.

They were drawn generally on the lines recommended by the Decentralization Commission.¹

The Government of India also considered the question of giving independent powers of taxation and borrowing to the Provincial Governments in the Resolution on Provincial Finance of May 18, 1912, and decided to leave things as they were for the time-being. It found it impractical, under the existing circumstances, to grant either the power of independent taxation or of direct access to the money market for provincial loans.

Thus the changes that were made in the system of provincial finance by the Resolution of 1912 were few and not very important. The previous system of divided heads and of doles remained; the inequalities in provincial expenditure were not removed; the provincial governments were not given any independent powers of taxation and borrowing; only the fixed assignments were decreased and new rules framed for budgetary control and the grant of doles. The Resolution made a separate arrangement for expenditure on famines and after making the modifications in regard to fixed assignments declared the financial settlements with the provinces "to be fixed in perpetuity."

V

The third, and perhaps the most important, group of recommendations of the Indian Decentralization Commission related to the extension of local self-government in India. The constitutions and functions of the municipal and rural boards were laid down by a series of Acts² passed during the three years following the publication of the Resolution of 1882 and although minor changes were introduced by later statutes³ the

¹ For a summary of Recommendations in this connection, see pages 719 to 721 of Mukherjee: *Indian Constitutional Documents*, Vol. I.

² Municipal Acts for the following Provinces were passed in 1884:—North-Western Provinces and Oudh, Madras, Punjab, Bengal and Burma.

Local Self-Government Acts for the rural areas were passed for the following provinces:—the C.P., North Western Provinces & Oudh, Punjab, in 1883; Bombay and Madras in 1884; Bengal in 1885; and Burma in 1890.

³ Changes in the constitutions of Municipalities and Rural Boards were made in the following years:—(a) Bengal—in 1894, 1896, 1910—(rural boards

frame work erected in 1883-85 still stood intact, at the time the Decentralization Commission submitted its report. The Government of India, after determining the views of the Provincial Governments and prominent public men, issued a comprehensive resolution on local self-government Nos. 55-77, dated the 28th April, 1915 defining its policy and pressing the Provincial Governments to carry it out in the manner best suited to the peculiar circumstances of each province. However, before dealing with the nature of the advance recommended by the Decentralization Commission and the Resolution of 1915, it appears necessary to give a brief description of the conditions that existed in India at the time the new policy was inaugurated.

To take the case of municipal self-government first:—In the year 1911-12, there were altogether 714 municipalities in British India with 9,642 members, out of which 4,890 or a little over one-half, were elected and 1,875 were officials—the rest were nominated non-officials. The proportion of elected members varied from province to province. In the cities of Bombay, Madras, and Rangoon and in the provinces of Bengal (excluding Calcutta), Bihar & Orissa, the United Provinces, and the Central Provinces, the elected members were in a majority, e.g., in Bengal $\frac{2}{3}$ rds and in the U. P. $\frac{3}{4}$ ths of the members were elected. In the North-Western Frontier Province and Baluchistan there were no elected members, whilst in Burma they were in a small minority. In the remaining provinces the elected members were in a minority but not in as great a minority as in Burma.

The chairman in most of the municipalities were still officials, though in several cases they were elected by the members. Only in some they were directly nominated by Government. "The only provinces in which there has been in

in 1908); (b) Bombay—in 1888, 1890, 1901 & 1902 (rural board in 1888); (c) Central Provinces—in 1889, 1903; (d) Madras—in 1897, 1899, 1907, 1909, 1913 (rural boards in 1890 & 1900); (e) Punjab—in 1891, 1896, 1900, 1905, 1911 (rural boards in 1906); (f) United Provinces—in 1900, 1901 (rural boards—in 1890, 1906). See table page 132. Cross: Development of Self-Government in India, 1858-1914.

the past a large proportion of elected non-official chairmen are Madras, the Central Provinces, and the two Bengals ; but Bombay has now to be added to the list, in view of the changes made in that province in the closing years of the decade."¹ (1901-1911). Out of a total of 695 chairmen in 1915 only 222 were elected non-officials and 51 nominated non-officials ; the remaining 422 were Officials—248 elected and 174 nominated.²

The franchise was very narrow in all provinces, consisting roughly of six per cent. of the municipal population.³

The principal normal functions of the municipalities in 1911-12 were the construction, up-keep and lighting of streets and roads ; the provision and maintenance of public and municipal buildings ; the preservation of public health—especially with reference to the provision of medical relief, vaccination, sanitation, drainage, and water supply, and measures against epidemics ; and provision for education, particularly primary education. The extent to which these functions were attended to may be indicated by the amounts of money spent on them. On roads £489,193, on hospitals and dispensaries £264,301, on education £238,467, and on lighting £235,447 were spent in 1911-12.

The chief sources of income were (1) tax on houses and lands—in all provinces, yielding £1,056,030 in 1911-12 ; (2) Octroi in U.P., the Punjab and Bombay and in minor provinces yielding £925,101 in 1911-12 ; (3) water rate amounting to £526,127 in 1911-12 ; (4) other rates, tolls and taxes amounting to £859,192 in 1911-12 ; and (5) government grants, etc. £599,852 in 1911-12. Money for water supply and drainage schemes was ordinarily raised by means of loans. "Except for the presidency towns, the municipalities borrow chiefly, though not entirely, from Government."⁴ Extraordinary and Debt receipts amounted in 1911-12 to £3,809,628, out of which over £3 millions were raised by the three presidency towns of Bombay, Madras and Calcutta.

¹ Moral & Material Progress Report, 1911-12, page 105.

² Mukherjee : Indian Constitutional Documents, Vol. I, page 671.

³ *Ibid.*, page 702.

⁴ Moral and Material Progress Report, 1911-12, page 107.

Elaborate provisions were made in all provinces for official control of the municipalities, especially in matters of finance and appointments. "No loans can be raised without Government sanction, and generally speaking municipal budgets and alteration in taxation, require the sanction of Local Government, or of a Commissioner."¹ The Local Government had the authority to remove Chairmen and Vice-Chairmen for failure to perform their duties. "In cases of need the Local Government might suspend or supersede any delinquent Board or Committee and provide for the performance of its functions, and the Commissioner or Magistrate might veto any resolution or order likely to lead to any serious breach of the peace."³ "The Collector of the district was given extensive supervising powers, having the right to inspect all the activities of the Council and call for such reports as he wished....."³

The strict control exercised by Government Officials both from without and within was considered to be one of the most important reasons for the failure of municipal government during 1884 to 1915.

Coming to the case of rural self-government it may be pointed out that conditions were generally more backward and the control exercised by the Government and the officials was very much greater. However, to proceed with a brief description of rural self-government :—

Except in Madras and the C. P., there were ordinarily two classes of Boards—one for the District and one for the *Taluka* or *Tahsils*—but in several provinces only the District Boards were developed ; the *taluka* boards were either not started at all or abolished, as in the U. P. in 1906. In Madras, the important villages or groups of villages were organised as "Unions", each controlled by a *Panchayat*. "These bodies receive the proceeds of a light tax on houses, and spend them mainly on sanitation. Next come the Taluka Boards, which form the agency for local works in the administrative sections into which the districts are divided. Finally, there is the

¹ Moral and Material Progress Report, 1911-12, page 106.

² Cross : The Development of Self-Government in India, page 102.

District Board, with general control over the local administration of the District."¹ In the C. P. also there was a system of three, "Circle", "Group" and "District" Boards. In all India (except Burma) in 1911-12 there were 198 District Boards with 5,013 members, out of which 2,366, that is, less than one-half were elected, and 1,340 were officials, the remaining being nominated non-officials. The number of *Talukā* Boards in 1911-12 was 533, with 7,865 members, out of whom 3,414 were elected, 1,425 officials and the rest nominated non-officials. In the U. P. and C. P. the Boards had elected majorities ; in the North-western Frontier Province there were no elected members ; and in others the elected members were in a minority. Franchise was confined to a small proportion of the population, roughly 6 per cent. of the people.

The chairmen in the case of the District Boards in almost all provinces were the Collectors of the districts. "In the Central Provinces the President is elected, and is usually a non-official..... As regards the subordinate boards, the law and practice vary. Generally speaking, the sub-district boards are on the footing of subordinate committees or agencies of the district boards, with very limited powers and resources ; but in Madras they exercise independent authority, subject to the general control of the district boards, in regard to the less important roads, primary education, medical work and sanitation."³

The functions of the District Boards were similar to those of the municipalities, but the sources of income to them were much narrower and less elastic. "The greater part of their revenue is derived from a cess which they are empowered to levy on land, and which usually does not exceed one anna in the rupee on the annual rental value (or, in *ryotwari* provinces, the Government's assessment)."³ Since 1905 this income was supplemented by the Government "at the rate of 25 per cent. of that income."³ Besides the Local Governments

¹ Moral & Material Progress Report, 1911-12, pages 117 & 118.

² *Ibid*, page 117.

³ *Ibid*, page 119.

made special grants for particular purposes. "Apart from receipts in connection with their educational and medical institutions, and markets, the only other important sources of independent revenue are pounds and ferries, and in Madras road tolls."¹

"The principal normal functions of rural boards are the maintenance and improvements of roads and other communications, education—especially in its primary stages, the upkeep of medical institutions, vaccination, sanitation, veterinary work, the construction and maintenance of markets and rest houses, and the charge of pounds and ferries. They may also be called upon to devote their funds to famine relief."¹ The total amount spent by the rural boards in 1911-12 was £3,302, 670 for over 200 million people, which will indicate the manner in which the functions were generally performed.

The provisions for official control over the rural boards were more stringent and elaborate, but they were on the same lines as those in the case of municipalities described above;² and it is not necessary to reproduce them.³ The Decentralization Commission commenting on them and on the general constitution and functions of the rural boards wrote :—

"Critics of the present system have dwelt on the failure to develop the principle of election, and on the appointment of official presidents. The boards, it has been urged, have practically become a department of the Government administration, their work is done by the official element within the boards themselves, or by Government departments at the boards' expense ; their proceedings are subject to excessive outside control....."⁴

While we do not go so far in suggestions for changes as many who hold these views, we recognise that their assertions contain a large element of truth....."⁴

¹ Moral & Material Progress Report, 1911-12, page 119.

² See page 424. *supra*.

³ For a summary of the provisions, see Cross : Development of Self-Government in India, 1858-1914, page 124.

⁴ Quoted in the Montford Report, page 6.

VI.

The system of local self-government described in the preceding section, which has been called rightly a system of "deconcentration" rather than of "decentralization" or of real "self-government" by the Simon Commission,¹ did not prove much of a success. As the Montagu-Chelmsford Report put it: "The broad fact remains that in a space of over thirty years the progress in developing a genuine local self-government has been inadequate in the greater part of India."² This was so not only in the case of rural boards but also in the case of municipalities, though in a lesser degree. There were three chief reasons for this disappointing progress—"the smallness and inelasticity of local revenues"³; the slow development "of interest in local affairs and capacity to handle them"²; and the officialisation and excessive control exercised by the Government over the local bodies. The Indian Decentralization Commission made a number of proposals to remove, partially if not wholly, these defects. They were generally accepted by the Government of India in consultation with the Provincial Governments but almost all of them were whittled down in the process of transmission into the Resolution of 1915.

The Government of India took so much time in making up its mind on the question that by the time the Resolution was issued the proposals had already become out of date. Within one year of the date of the Resolution correspondence on the question of constitutional reforms had begun between the Government of India and the Secretary of State; and it was agreed that the first step must be taken in the domain of local self-government. The Government of India again set to work and evolved a more advanced policy, which was approved by the Secretary of State. It was embodied in a

¹ Report of the Indian Statutory Commission, Vol. I, page 301, "prior to the reforms, local self-government in India belonged essentially to the second, deconcentrated type: it resembled the French, rather than the British system."

² The Report on Indian Constitutional Reforms, 1918, page 6.

³ Mukherjee: Indian Constitutional Documents, Vol. I, page 669.

new Resolution No. 44—and issued on the 14th May, 1918. In the meantime only one province—the United Provinces, and that in regard to municipal government alone—had taken legislative action. It had passed the U. P. Municipalities Act, in 1916. Legislation was also pending in Bengal and Assam.

The Resolution of 1918 began by emphasising the educative value of local self-government and by laying down the proposition “that local bodies should be as representative as possible.....that their authority.....should be real and not nominal, and that they should not be subjected to unnecessary control, but should learn by making mistakes and profiting by them.”¹ Towards this end the Resolution made the following proposals :—

First, that there should be substantial elected majorities on both municipal and rural boards as recommended by the Decentralization Commission—but which was accepted only in the case of municipalities by the Resolution of 1915. The Resolution of 1918 laid down that ordinarily $\frac{3}{4}$ ths of the seats should be filled by election ; that “special representation of the minorities—should be effected by retaining the practice of nominations rather than by introducing some system of communal or proportional representation”²; and that a few officials should be nominated purely for giving expert advice and that they should have no right of voting. It was also laid down that the franchise qualifications should be lowered considerably in order to make the boards really representative of the rate-payers. The ideal of Western countries was placed before the Provincial Governments, which was to be reached gradually, as circumstances permitted.

Secondly, it was laid down that the chairmen of the municipalities should be elected by the boards and should ordinarily be non-official gentlemen ; and in case the Board wanted to elect an official he should be elected by the majority

¹ Para 4 of the Resolution, Mukherjee : Indian Constitutional Documents, Vol. I, page 699.

² Para 5. *Ibid*, page 700.

of non-official votes only. But it was added that in the case of larger cities there should be in addition an Executive Officer, nominated by the board, but approved by the Government, to look after the work of the board. He was not to be removed without the sanction of the Government or without a substantial majority of the board. In the case of the district boards the Decentralization Commission had recommended the retention of the official chairmen but the Resolution of 1918 took a big step forward :—It urged upon the Provincial Governments the desirability of arranging for the election of chairmen wherever possible or in the alternative to encourage the appointment of non-official chairmen. But in the case of non-official chairmen the Government insisted on the appointment by the boards of special executive officers on the same conditions as in the case of larger municipalities. If any board wanted to save the expense of a special officer it may elect an official chairman by non-official majority.

Thirdly, the Resolution gave to the boards slightly extended powers of taxation. In the case of the municipalities the Decentralization Commission had recommended that they "should have full liberty to impose or alter taxation within the limits laid down by the municipal laws, but that the sanction of an outside authority to any increase in taxation should be required where the law did not prescribe a maximum rate."¹ The Resolution of 1915 had commended the proposal to the Provincial Government but had allowed such Local Governments as were not able to accept the recommendation in full the power to vary any tax. The Resolution had also laid down "that in the case of indebted municipalities the previous sanction of the higher authorities should be required to any alteration of taxation."¹ The resolution of 1918 took away the power from the Local Governments to vary any tax but kept the proviso applicable to the indebted municipalities. "Subject to this proviso, the Government of India consider it most important that municipal boards should be

¹ Para 10 of the Resolution, Mukherjee : Indian Constitutional Documents, Vol. I, page 705.

allowed to vary taxation in the manner proposed by the Commission''¹. In the case of the rural boards the Decentralization Commission had made no such proposal ; but the Government of India in 1918 decided to go forward and gave them the power to vary the cess within limits prescribed by law, and in those cases where the law did not impose any limit a change in the rate of cess was to require the sanction of an outside authority.²

Fourthly, in regard to the control of services paid by the boards, the Government of India was prepared in 1918 to accept the recommendations of the Decentralization Commission in full, although they were not able to do so in 1915. "The Commission proposed that, if a municipal or rural board had to pay for a service, it should control it : and, that, where it was expedient that the control should be largely in the hands of the Government, the service should be a provincial one."³ This was accepted by the Resolution of 1918.

Fifthly, the Resolution of 1918 accepted the recommendation of the Decentralization Commission—without the exceptions of 1915—in connection with giving the boards a free hand in regard to their budgets. "The only check required should.....be the maintenance of a minimum standing balance to be prescribed by the Local Governments..... Further checks would be provided by the control which Local Governments would exercise over loans and by the power which should be reserved to compel a municipality to discharge its duties in cases of default."⁴ Similarly the Government accepted in 1918 the recommendations of the Decentralization Commission in connection with the earmarking of portions of local revenues for special purposes, the making of special grants, the expenditure on public works, and the relaxation of control over local establishments. They were all in the direction of decreasing outside control and giving larger

¹ Para 10 of the Resolution, Mukherjee : Indian Constitutional Documents Vol. 1, page 706.

² Para 11, *Ibid.*

³ Para 12, *Ibid.*, page 707.

⁴ Para 13, *Ibid.*, pages 707-8.

powers to the municipal and rural boards. However, the Government of India considered it necessary to preserve the general powers of control and supervision vested in the Collectors and Commissioners by the older laws. There was a proposal to make this control more stringent in view of the specific relaxations described above but that was not accepted by the Resolution of 1918.

The Resolution of 1918 approved the proposal of establishing departments of Local Self-Government in the Provinces—the proposal was first made by the Government of Bengal in 1882 but was not accepted by the Secretary of State. It was also rejected by the Decentralization Commission and the Resolution of 1915. But in 1918, the Government of India commended it for adoption to the Provincial Governments.

Lastly, the Resolution of 1918 favoured the establishment of village Panchayats on the lines suggested by the Decentralization Commission—not so much for adding another local authority, but mainly for the purpose of developing corporate life in the villages. The Panchayats were to be organised under the special guidance of district officers and were to perform both administrative and judicial functions. They were to be informally elected by the villagers and were to have associated with them the village officers. They were to elect their own chairmen, who need not be village headmen. They may receive part of the land cess to meet their expenses and may in addition be empowered to levy special taxes for particular purposes. They were to look after the village sanitation and village education and to decide petty civil and criminal cases under safe-guards provided for the purpose. Experiments in setting up Panchayats were to be tried by the Provincial Governments with due regard to the local conditions of the provinces and parts of the provinces.

Such were the proposals made by the Resolution of 1918 in regard to the expansion of local self-government in British India. They were based on the recommendations of the Indian Decentralization Commission and discarded the halting attitude adopted in regard to them by the Resolution of 1915. Legisla-

tion was passed on the basis of the Resolution of 1918 by the various provinces during the next few years. The reformed Provincial Legislative Councils took a special interest in this work and within three years of their existence important local self-government statutes were passed by them.

CHAPTER XXIII.

CHANGES: ADMINISTRATIVE & CONSTITUTIONAL, 1909—1919.

I.

The period 1909-1919 is the shortest epoch in the history of British India ; but its importance is not to be measured by the number of years that bridge its span. It is replete with events of tremendous significance. For the first time a British sovereign—with his Imperial Consort and one of the Principal Secretaries of State—set foot on the soil of India ; for the first time India was admitted on terms of equality in the Councils of the Empire and on international bodies ; for the first time an Indian was appointed Under-Secretary of State for India ; and for the first time the goal of British policy in India was defined to be the establishment of responsible political institutions and the vision of a federal India with autonomous, self-governing units appeared on the horizon. It was during this period that the hated Partition of Bengal was modified in consonance with the national aspirations and the wishes of the people ; the Capital of India was transferred from Calcutta to Delhi and the decision to build a new Imperial City there was taken ; and the reunion of the political parties—the Moderates, the Extremists and the Moslem Leaguers—was effected and an agreed scheme of political progress was evolved by the spokesmen of the nation. It was again in this decade that the biggest conspiracy to overthrow British rule by force was hatched after the mutiny ; a huge organised agitation to achieve Home Rule and to prevent the enforcement of "lawless" laws was conducted ; the ghastly tragedy of Jallianwala Bag was perpetrated by a British General in the religious metropolis of the Sikhs ; and repression on an unprecedented scale—through repressive legislation and the administration of martial Law in the Punjab was practised. The Great European War was not without its effects on India and it entailed on the

country a tremendous sacrifice of both men and money—enhanced several-fold by the terrible influenza epidemic which in the course of a few weeks swept away several million people—estimated variously from six to ten millions. And there were besides a number of events and changes of smaller or greater constitutional importance—like the development of a policy of decentralization described in the last Chapter and the enactment of the Indian High Courts Act, 1911, the Government of India Act, 1912, the appointment and report of the Public Services Commission, the visit of Mr. Montagu and other members of the British delegation, the publication of the Report on Constitutional Reforms in 1918, and the passing of the Government of India Acts, 1915, 1916 and 1919—that were witnessed in India during 1909-1919.

II.

It was in May 1910, that, before the question of Lord Minto's successor was decided, His Majesty King Edward VII passed away from this world after a brief illness. And it was immediately after this that Lord Morley wrote to Lord Minto to signalise the accession to the throne of the new King, or his coronation, with some significant act of kingly grace in India.

The idea of announcing in India the Coronation of the new King, personally by the Sovereign himself, was first mooted by Lord Curzon at the time of King Edward's accession to the throne. It is a strange irony of fate that when the idea actually fructified, the occasion should have been utilised to undo a particularly unfortunate work of his own régime.

The *Recollections* of Lord Morley do not throw any light on the question of the Imperial visit of 1911. But it appears from the speeches of Lord Curzon and Minto on the measures announced at the Durbar in the House of Lords that "the idea was His Majesty's own, to which he adhered in spite of the advice given him by many well qualified to advise."¹ However, the intending visit was announced by the new Viceroy,

¹ Speech of Lord Curzon, printed as an Appendix to *Speeches of Lord Hardinge*, Vol. I, published by Ganesh & Co., page 445.

Lord Hardinge, on his arrival in Bombay on the 18th November, 1910, and it was referred to in the King's speech on February 6, 1911. A Royal Proclamation was issued on March 23, 1911, which declared the Royal intention to hold an Imperial Durbar at Delhi on the 12th December, 1911 "for the purpose of making known the said solemnity of our coronation."

The object of the Royal visit and the Delhi Durbar of 1911 was to strengthen materially the Imperial bonds. It was felt by British statesmen that the happenings of the last few years had alienated the sympathies of many Indians, that Imperial sentiment and loyalty were at a low ebb, and that a significant gesture of goodwill was necessary to revive Imperial patriotism and to restore the faith in the good intentions of the British. And it was felt that nothing else could achieve this purpose better than the visit of the new King and Queen, the recrowning of them in the old Imperial city of the Moghals and the ancient Hindus as Emperor and Empress of India, the announcing of boons and the redressing of grievances by the Emperor himself at the Durbar, as of old ; and the receiving of the homage of the people and the Princes of India in their own person. Consequently, it was decided to hold the Imperial Durbar at Delhi on December 12, 1911, on a still grander scale than in 1903, and to utilise the occasion to make certain announcements to win back the loyalty and goodwill of the people of India.

The place selected was almost the same as in 1903 and preparations that were made were generally on the same lines, except that a huge mound was erected opposite the palladium where over 50,000 spectators could be accommodated for enabling the general public to witness the proceedings. All the Princes of note and high position, over 130 in number, were present with their retinues ; the Viceroy, the Governors and other important officials were in attendance, the Commander-in-Chief and other high military officers were there in their uniforms ; and representatives of the people were present in their national dresses of various types and colours.

"A larger military display was provided than on any former occasion, and it was stated that over 60,000 troops were present on the ground."¹ Three important announcements were made on the occasion. The first was an expression of personal feelings made by the King-Emperor himself, "it is a sincere pleasure and gratification to myself and the Queen-Empress to behold this vast assemblage. . . ." The second was made by the Governor-General on behalf of the King-Emperor, and declared and notified "the grants, concessions, reliefs and benefactions which His Imperial Majesty has been graciously pleased to bestow upon this glorious and memorable occasion."² The third was made by the King-Emperor himself and announced in memorable words, "the transfer of the seat of the Government of India from Calcutta to the ancient capital of Delhi, and simultaneously and as a consequence of that transfer, the creation at as early a date as possible of a Governorship of the Presidency of Bengal, of a new Lieutenant-Governorship in Council administering the areas of Bihar, Chota Nagpur and Orissa, and a Chief-Commissionership of Assam, with the necessary administrative changes and redistribution of boundaries."²

After the Imperial Durbar was over two foundation stones were laid for the building of the new capital at Raisina by the King-Emperor and Queen-Empress separately and after a short tour in the country Their Imperial Majesties finally left India on the 10th January, 1912.

III.

The visit of Their Imperial Majesties had aroused a strong wave of Imperial sentiment and loyalty in the country and there were no two opinions on the Imperial benefits of the Durbar of 1911. To India the main benefit was said to be, as stated both by the official historian of the visit and by Sir

² An Indian Mohammedan : British India from Queen Elizabeth to Lord Reading, page 504. For a description of the Durbar see "the Historical Record of the King's Visit to India."

³ These quotations are taken from Mukherjee : Indian Constitutional Documents, Vol. I, page xlv.

Courtney Ilbert in "The Coronation Durbar and its Consequences," the gaining "of an equal place in the dominions of the Empire."¹ "The visit was really an emphatic announcement that India is an equal and integral part of the British Empire."² This benefit was regarded by Indians themselves as more formal than real. However, the people in India were materially affected by the transfer of the capital from Calcutta to Delhi and by the reunion of the two Bengals, the recreation of the Chief-Commissionership of Assam, and the constitution of a separate province of Bihar and Orissa.

The administrative changes announced at the Durbar were certainly of a controversial nature and if they had been disclosed before—they were dramatically announced by the King-Emperor himself—they would have aroused a heated and a bitter controversy. Even after personal announcement by the King-Emperor had invested them with a certain amount of sacrosanctity, they were attacked vehemently both in England and in India.

The initiative in proposing the administrative changes was taken by Lord Hardinge and the Government of India. It is not possible, till the private papers of Lords Hardinge and Crewe are published to know the actual motives and reasons which prompted the Viceroy to initiate the proposals. The Dispatch of the Government of India, dated the 25th August, 1911, which proposed these changes to the Secretary of State gives the impression that the proposals were made in the interests of provincial autonomy. Says the Dispatch: "The only possible solution of the difficulty would appear to be gradually to give the provinces a larger measure of self-government, until at last India would consist of a number of administrations, autonomous in all provincial affairs, with the Government of India above them all, possessing power to interfere in cases of mis-government, but ordinarily restricting their functions to matters of Imperial concern. In order that this consummation may be attained, it is essential that the

¹ The Historical Record of the Imperial Visit to India, pages 19-20.

² Ilbert: The Coronation Durbar and its Consequences, page 455.

Supreme Government should not be associated with any particular Provincial Government."¹ But both the Secretary of State and the Indian Finance Member challenged the obvious interpretation put by Indians on the sentences quoted above from the Dispatch. Lord Crewe could not imagine of any time when India could expect self-government on colonial lines. "I see no future for India on these lines."² And, Sir William Meyer, Lord Hardinge's Finance Minister, told Mr. Surendranath Banerjee, when he pressed for financial autonomy for the provinces in fulfilment of the policy outlined in the Dispatch of 1911, that he was "an impatient idealist."³ These statements and the halting and belated acceptance of even the very modest proposals of the Indian Decentralization Commission by Lord Hardinge's Government leads one to the conclusion that "provincial autonomy" was not a very important motive, at any rate in the minds of the Secretary of State and the members of the Viceroy's Executive Council.⁴

Another explanation which appears more likely is that the Liberal Party in England had from the beginning disliked the Partition of Bengal and the real views of Lord Morley were those he expressed shortly before taking office. Even in his speech of February 26, 1906, when the Secretary of State announced that "the redistribution of Bengal is now a settled fact,"¹ Mr. Morley, as he then was, openly acknowledged that the Partition "was, and remains undoubtedly an administrative operation which went wholly and decisively against the wishes of most of the people concerned."⁵ And in February 1912, in his speech in the House of Lords, Lord Morley confessed that "friends of my own were very angry with me for many months for not taking immediate steps for reversing

¹ Para 3 of the Dispatch, Mukherjee: Indian Constitutional Documents, Vol. I, page 454.

² Lovett: History of Indian Nationalism, page 89. Extract from the speech of 24th June, 1912, in the House of Lords by Lord Crewe.

³ Bannerjee: A Nation in the Making, page 300.

⁴ It may, however, be different with Lord Hardinge, who had told Mr. Bannerjee in private conversation: "You will have provincial autonomy in ten years' time." *Ibid*, page 300.

⁵ Speeches of John Morley, pages 107 & 108.

that policy.”¹ But Mr. Morley then considered that an immediate reversal was inadvisable. It might have led to difficulties with the Indian Civil Service over the question of reforms and it might have given the impression that the Liberal Government was going to change the whole Indian policy of the previous Government. “There was another reason”, said Lord Morley,—“namely that it would be wrong . . . and rash for us at once to reverse an operation the effects of which we had no opportunity of forming a judgment upon.”² Besides it would have looked like “a concession to clamour, if we had reversed partition in December 1906.”³

It would thus appear that the Liberal Government had been seriously thinking of reversing the Partition from the time it came into office in 1906 and it was only waiting for a suitable opportunity to undo—what it considered—a wrong. It felt that the time was most propitious in 1911—a new Viceroy had just gone to India, the Reforms had already been put into operation, the partition agitation had almost died down, and Their Majesties were shortly going to India on a mission of reconciliation. The reunion of Bengal at such a time would appear an act of grace rather than of concession and would fit in with the general policy of reconciliation. And to make the step less objectionable to the Mohammedans the Government decided at the same time to transfer the seat of the Government to Delhi, the capital of the Moguls. A change of capital was desirable from other points of view as well⁴ and the opportunity to do so was exceptionally good at the time.

¹ Lord Hardinge's Speeches, Vol. I, Appendix, page 505.

² *Ibid*, page 504.

³ *Ibid*, page 505.

⁴ As pointed out by Sir Harcourt Butler “the centre of political gravity had long shifted from Calcutta, geographically remote from the Indian States, the fighting races and the all-important North-Western Frontier.” But there were two other important reasons, and they are thus summarised by Sir Harcourt: “The out-break of the revolutionary movement in Bengal in 1907 brought matters to a head. Indian Legislators from other provinces became infected by Bengalee ideas, and the local government was overshadowed and reduced to impotence by the presence in Calcutta . . . of the Government of India . . .”, pages 70-71, *India Insistent* by Sir Harcourt Butler, London, 1931

It appears to me that the policy of holding the Durbar and of reconciling the people of India, especially of Bengal, had been worked out in England before the departure of Lord Hardinge for India and that he was a party to the decisions reached there. On his arrival at Calcutta the Bengal leaders decided to hold an anti-partition meeting to acquaint him with the feelings of the people on the subject. Lord Hardinge at once sent for Mr. Surendra Nath Banerjee and persuaded him not to hold the meeting or to agitate in the public but to submit a memorial to which he would give his best consideration. The public meeting was abandoned, a memorial was quietly got up, "signed by representative men in eighteen out of the twenty-five districts of Bengal"² and submitted to the Viceroy about the end of June, 1911. Writes Mr. Bannerjee: "The Dispatch of the Government of India recommending the modification of the Partition of Bengal was dated August 25, 1911; and some of the arguments that we urged in the memorial were accepted by the Government as valid reasons for the modification of the Partition, and were emphasised in the Dispatch."¹

In any case, as facts are known at present, it was the Dispatch of August 25, 1911, that first proposed the administrative changes announced at the Durbar on the 12th December, 1911. They were accepted *nem com* by the Secretary of State in his reply Dispatch, dated London, 1st November, 1911. They were kept a close secret till they were announced by His Majesty himself at Delhi.

IV

The transfer of the capital and the remodelling of the Partition were both opposed in England as well as in India and the manner in which they were carried out was specially attacked. Lord Curzon described the method as unconstitutional and unworthy of a strong and a liberal Government. Lord Minto considered it wrong to make such important

¹ Bannerjee: A Nation in the Making, page 285.

decisions without consulting the provincial heads in India and the Anglo-Indian authorities in England. The re-modelling of the partition was opposed as a concession to an insincere and artificial agitation conducted by selfish, professional men and as a terrible wrong inflicted on the loyal Mohammedans of Eastern Bengal. The transfer of the Capital was opposed as against the interest of Europeans in India and strategically unwise as the British Power was really based upon its supremacy on the sea. Delhi's past was a very ominous one—it was the grave-yard of many empires. "I venture to say", said Lord Curzon, "that the less you say about the history of Delhi, the better."¹ It is generally stated that the British are not superstitious, but still there are a large number of them who believe in the superstition of Delhi—and they are nervously awaiting some dreadful catastrophe.²

Such were the grounds on which the policy of the 1911 Dispatch was challenged. They were effectively met by Lords Crewe and Morley in the House of Lords and the opposition slowly died away. There is, however, one point on which Lord Curzon has proved more in the right than the Government of Lord Hardinge—and, that is, in regard to the time and money it would take to build the new Imperial Capital at Delhi. The Government of India had estimated the cost roughly at £4,000,000 while Lord Curzon had thought that it may go up to £12,000,000. The cost had reached by December 1930 the stupendous figure of £10,247,500³ and it is likely to go up still further by the time the whole scheme is completed. It is indeed a terrible price for a poor country like India to pay for shifting the capital to a central and neutral position.⁴

¹ Lord Hardinge's speeches, Vol. I, Appendix, page 465.

² For a study of this mentality read "1957" a novel by Hamish Blair.

³ The figure is given by Lord Hardinge in an article in the *Times*, London of March 23, 1931.

⁴ Lord Hardinge compares the cost with that of the Australian Capital at Canberra, which was £13,000,000 and with the estimated cost of the new buildings of the Bank of England and the London County Council. He says that the total cost on the Viceroy's House and the Secretariat Buildings together is "a trifle more than half the estimated cost of the New Bank of England in London, or half that of the incompleting offices of the London County Council."

V

The administrative changes announced at the Durbar were effected largely by means of executive orders and proclamations under powers conferred on the Government by previous statutes, though supplementary legislation was found necessary both in India and in England.

Under the powers conferred by Section 16 of the Government of India Act, 1853, the Secretary of State in Council made a formal declaration that the Governor-General of India should no longer be the Governor of the Presidency of Fort William in Bengal and that a separate Governor be appointed for that Presidency. And on March 21, 1912, Lord Carmichael was appointed Governor of the Presidency of Fort William in Bengal. By a Proclamation of March 22, 1912, the territories that were to constitute the Presidency of Fort William in Bengal were delimited under powers conferred by Section 47 of the Indian Councils Act, 1861, and section 4 of the Government of India Act, 1865. The five Bengali-speaking Divisions that were separated in 1905 were reunited with the other Bengali-speaking Divisions of the old province and a new Presidency with an area of about 70,000 sq. miles and a population of roughly 42,000,000 was constituted.

By a second Proclamation of March 22, 1912, a new province of Bihar and Orissa was carved out of the old province of Bengal under section 46 of the Indian Councils Act, 1861, and placed under a Lieutenant-Governor. The new province was to consist of Bihar, Chota Nagpur, and Orissa, with its headquarters at Patna, and an area of 113,000 square miles and a population of some 35,000,000. It was given both an Executive and a Legislative Council.

And by a third Proclamation of the same date, under Section 3 of the Government of India Act, 1854, the old territories of Assam were again constituted into a Commissionership under the immediate authority of the Governor-General in Council. Assam contained an area of some 56,000 square miles and about 5,000,000 inhabitants.

These changes came into force from April 1, 1912. It was

soon found that minor adaptations were necessary to make the old laws, that were still current in the separated portions of the old provinces, fit the new conditions. Consequently an Act was passed, as a measure of urgency, through all its stages on the same day in the Council of the Governor-General, on March 25, 1912. And, "further legitimate provision, mostly of a technical character, was made by an Act of Parliament, the Government of India Act, 1912, which received the Royal assent on June 25, 1912."¹

The Government of India Act, 1912, after reciting the action taken under the Proclamations of March 22, 1912, proceeded to make the necessary supplementary provisions.

Firstly, it defined the powers of the Governor and the Governor in Council of the Presidency of Bengal ; and the same powers, as were enjoyed by the Governors and their Councils—including the Legislative Councils—in Madras and Bombay, were conferred on the new Governor, his Executive Council and the Legislative Council in Bengal.

Secondly, the Act created an Executive Council for Bihar and Orissa to avoid the use of the dilatory method prescribed by the Indian Councils Act, 1909.²

And, thirdly, the Act authorised the creation of legislative councils in provinces under Chief Commissioners. The Act of 1909 had given Legislative Councils only to Governors' and Lieutenant-Governors' Provinces. Two Legislative Councils, one for Assam and one for the Central Provinces, were created, under Section 3 of the Government of India Act, 1912, the first on November 14, 1912, and the second on November 10, 1913.

A small province of Delhi—an *énclave* round the new Imperial City—was created by a Proclamation in 1912, under the powers conferred by Section 3 of the Government of India Act, 1854, and placed under a Chief Commissioner, under the immediate authority of the Governor-General in Council.

¹ Ilbert : The Government of India : A Historical Survey, page 119. The reference made above to the various sections of the older statutes are all taken from this book, pages 117 to 119.

² See Section VI, Chapter XXI, *supra*.

The administrative changes made in 1912 showed to the Government the necessity of codifying the laws relating to the constitution of the Government of India. A large number of Acts, though obsolete, were still unrepealed; and the powers of the Government of India were scattered about in so many statutes that it was very difficult to know what they were without wasting considerable time and energy. A Consolidating Act was, therefore, passed by the Parliament in July 1915.

The Government of India Act, 1915, was a purely consolidating Act and contained no amending clauses. "It repealed, with a few omission, the unrepealed provisions of 47 Acts, beginning with an Act of 1770, and consolidated them in a single Act of 135 sections with 5 schedules."¹

The Joint Select Committee on the Bill, which became the Act of 1915, had struck off certain proposals, which, in its opinion, went beyond the scope of consolidation. They were introduced in the form of a new Amending Bill, which was passed in 1916.

The Government of India (Amendment) Act, 1916, made certain minor changes. It enabled selected subjects of the Indian States to compete for the Indian Civil Service Examination; it made rulers and subjects of Indian States and of territories like Nepal eligible for appointments to civil posts and military commissions; and it made it possible for the rulers and subjects of the States to be nominated to the Legislative Councils.

VI

During the period under review one more Statute was passed by the British Parliament relating to the constitution of the government in India to which it is necessary to make a reference here. This was the Indian High Courts Act, 1911.

The constitution of the High Courts, their jurisdiction and their number,² etc., were regulated by the Indian High Courts

¹ Ilbert: Government of India: A Historical Survey, pages 121-22.

² In 1911, there were only four High Courts in India—at Calcutta Bombay, Madras and Allahabad. The power given by the Act of 1865 to create more High Courts was said to have been exhausted by the establish-

Acts of 1861 and 1865, the main provisions of which have been described in a previous chapter.¹

The Indian High Courts Act, 1911, raised the maximum number of Judges, including the Chief Justice, of an Indian High Court, from sixteen to twenty.

Secondly, the Act empowered His Majesty by Letters Patent to create new High Courts² from time to time, as found necessary ; and to make consequential changes in the jurisdictions of the Courts.

And, lastly, the Act gave power to the Governor-General in Council to appoint temporary additional judges of any High Court for a term not exceeding two years.

In exercise of the powers given by this Act a new High Court was established in 1915 at Patna and another at Lahore in 1919.

VII

The attention of Lord Hardinge's Government was drawn prominently to the subject of the employment of Indians in the Public Service by the Hon'ble Mr. Suba Rao, who moved a resolution in the Indian Legislative Council on March 17th, 1911, recommending the appointment of a Royal Commission "to consider claims of Indians to higher and more extensive employment in the Public Service connected with the civil administration of the country."³

Educated Indians had demanded for a long time past the abolition of all racial discriminations in the fillings of higher posts and the creation of equal opportunities for them to enter the various imperial services. But very little had been done except rendering lip service to the principle of racial and religious equality enunciated in the Act of 1833 and in the

ment of the Allahabad High Court; hence a new provision for the purpose in the Act of 1911.

¹ See Chapter VI.

² In 1911, there were only four High Courts in India—at Calcutta, Bombay, Madras and Allahabad. The power given by the Act of 1865 to create more High Courts was said to have been exhausted by the establishment of the Allahabad High Court; hence a new provision for the purpose in the Act of 1911.

³ Indian Legislative Council Proceedings, Vol. XLIX, page 492.

Proclamations issued from the Throne from time to time. Recently, however, British Administrators had begun to assert, that the maintenance of higher standards of efficiency and that peculiar British tone which was so essential for stability and good government in the country, required the preponderance of the British element in the higher positions in the Public Service and that the sooner Indians learnt to accept this inevitable fact the better it would be for all concerned. But the sons of the soil refused to admit any inherent inferiority and to regard their exclusion from higher posts as permanent and immutable. They continued to agitate. They claimed justice and economy on their side. The resolution of Mr. Suba Rao pressed the Government to submit the Indian claims to a searching examination. Ultimately a Royal Commission was appointed on August 21st, 1912, with Lord Islington as chairman and eleven other members, including three Indians—Messrs. Gokhale, Abdur Rahim and Chaulbal. The *personnel* of the Commission was severely criticised in India. Anglo-Indians condemned it, because in their opinion, the services were poorly represented on it and also because there were persons like Mr. Ramsay Macdonald on it, who had openly expressed hostile opinions about bureaucratic ways in India. Indians felt aggrieved at the appointment of such a small number of them on the Commission and for including men like Sir Valentine Chirol. Only the Mohammedans were satisfied, as pointed out by the *Englishman* at the time, because, besides Mr. Abdur Rahim, there were three others who were supporters of their cause.¹

The terms of reference of the Commission were comprehensive. The Commissioners were asked to examine and report, in connection with the Indian Civil Service and the other Imperial and provincial services, on :—

¹ "So far as can be gathered" wrote the *Englishman*, the Mohammedan is the only community fully satisfied with the Commission" as it contained besides Mr. Abdur Rahim, Lord Ronaldshay, Sir Valentine Chirol and Sir Theodore Morrison, "warm supporters of its cause." *Hindustan Review*, September 1912, page 302.

“(1) The methods of recruitment and the system of training and probation ;

(2) The conditions of service, salary, leave and pension ;

(3) Such limitations as still exist in the employment of non-Europeans and the working of the existing system of division of services into Imperial and Provincial : and generally to consider the requirements of the Public Service and to recommend such changes as may seem expedient.”¹

The Commission toured in India twice—once in the winter of 1912-13 and again in the cold weather of 1913-14—and submitted its report in August 1915. The report was signed by 10 members but subject to minutes and notes of dissent by each one except the chairman ; whilst Mr. Abdur Rahim wrote a separate report, technically called a Minute, as he did not agree with the whole point of view from which his other colleagues had looked at the problem. Mr. Gokhale had died on February 19, 1915, before the final draft was ready ; but he generally agreed with Mr. Abdur Rahim, who writes :—
“The main proposals which I have ventured to put forward had his [Mr. Gokhale’s] entire approval, and were virtually formulated in consultation with him.”² Indeed, it appears almost certain, that if Mr. Gokhale had been spared by Providence to serve the Motherland a little longer, he and his two Indian colleagues would have written a separate minority report on the lines of Mr. Abdur Rahim’s minute.

The report was withheld from publication “in the hope of avoiding controversy”³ during the War, but was at last published in January 1917, as the end of the War was not in sight. “By that time”, says the Montford Report, “the War had raised the pitch of Indian expectations to an extreme height, and we are not surprised that a report which might have satisfied Indian opinion two years earlier was generally denounced in 1917 as wholly inadequate” and “the effect of the report was to irritate rather than to satisfy Indian opinion.”³

¹ Islington Commission Report, 1912—15—17, page 2.

² *Ibid*, page 394.

³ The Report on Indian Constitutional Reforms, 1918, page 5.

VIII

Mr. Winston Churchill once openly pitied the inexperience of those politicians who had still faith in the efficiency of Royal Commissions and added that "they are usually appointed to hang up a subject, to stifle a popular demand by battering it down under a mass of blue books."¹ It is not possible to divine the motives of Lord Hardinge's Government in appointing the Public Services Commission but it succeeded in submerging the public demand under a mass of blue books—besides the lengthy General Report of over 500 pages the Commission produced 19 bulky volumes of evidences containing conflicting opinions, attacks and counter-attacks ; and all this at the huge cost of about Rs. 20 lakhs. The recommendations of the Commission were universally regarded as disappointing. Several of them related to the organisation of the services and to the alteration in rules of service, leave, salaries, allowances, pensions, etc. which need not be detailed here : It is only necessary to discuss the important general recommendations of the Commission.

The most important question before the Commission was to remove the practical disabilities existing in connection with the appointment of Indians to higher posts in the public service. The number of Indians employed varied inversely with the rates of the salary. Almost all appointments with a salary of less than Rs. 200 a month were held by non-Europeans ; but those carrying a salary of Rs. 200 and more were filled very largely by Europeans. Out of 11,064 such posts, only 42% were held by Indians ; whilst out of 4,984 posts carrying a salary of Rs. 500 and more, only 19% were occupied by Statutory Indians. The proportion was only 10% in the case of posts carrying a salary of Rs. 800 and more.² And as the salary rose higher and higher the number of Indians occupying

¹ These words were used by Mr. Churchill as Under-Secretary for the Colonies, in reply to a question from Mr. Austin Chamberlain, asking for the appointment of a Royal Commission to investigate the conditions of Chinese Labour in South Africa.

² These figures are for the year 1913 and are taken from the tables given by the Islington Commission Report, pages 24, 25, 26.

posts become less and less until such posts were reached to which no Indian had ever been appointed.

The smaller number of Indians in the higher posts was due not to the paucity of well-qualified Indian candidates but to a deliberate policy of exclusion adopted by the Government. In the first instance, in most cases, persons for these posts were recruited in England. Write the Commissioners: "In the civil services and the agricultural, civil veterinary, education, forest, medical, police, telegraph (engineering), public works, railways (engineering), and survey of India departments recruits for the Imperial branches are obtained ordinarily from Europe"¹ This was also the case in the following departments:—military, finance, geological survey, mines, mint and money and railway (locomotive, carriage and wagon). Whilst in some others, officers were recruited partly in England and partly in India. There were thus only a few departments which were wholly recruited in India. Secondly, even in those departments which were normally recruited in India, preference for the higher posts was given to Europeans, Anglo-Indians and Christians. And the demand of Indians to hold competitive examinations simultaneously in India for the I.C.S. and other services had been rejected even after the House of Commons had passed a resolution in its favour.

The Islington Commission also rejected the proposal of holding competitive examinations in India. The conclusion of the Commission was, that "whilst competitive examinations should ordinarily be continued where they are now held, the time is not yet ripe for the general adoption of any such system"²; mainly because educational facilities were neither sufficiently nor uniformly developed in all provinces and communities in India and because "Indian schools and colleges did not give the same guarantee of the moulding and development of character as is afforded by the English schools and colleges."²

The Commission did not consider that the system of State

¹ Islington Commission Report, page 22.

² *Ibid*, page 30.

scholarships could meet the needs of the case ; nor did they think that the proposal, of fixing a definite number or proportion of places in each service to be reserved for Indians, was a sound one. They adopted it in a few cases "as a temporary palliative", but rejected it "as a universal measure, partly because of the general undesirability of proportions based on race, but mainly because we recognise the tendency of a minimum to become a maximum."¹

It is true that the proper method of looking at the question was not as to how many Indians should be employed in each service, but, as pointed out by Mr. Abdur Rahim, "that importation of officials from Europe should be limited to cases of clear necessity, and the question therefore to be asked is, in which services and to what extent should appointments be made from England."² But this was not the standpoint from which the Commissioners approached the problem. On the contrary, they tried their best to keep the door open as wide as possible for the recruitment of Europeans and opened it as slightly as practicable for Indians. The objection of fixing the proportion on racial basis was merely theoretical. Their own proposals, as will be seen later, were based largely upon racial considerations. It is, no doubt, true, that the minimum in such cases does become the maximum. But the harmful effects of it could be avoided by fixing the minimum high enough. In any case, under the circumstances prevailing at the time, reserving a fixed proportion of posts in each service for Indians was better than the vague right to all posts which had been so flagrantly disregarded in the past.

The Commission's own proposals to extend the employment of Indians were as follows :—

First, they added a few more services to the list of those for which the recruitment was made normally in India, the chief being the Finance Department.

Secondly, they divided the remaining services into three main groups. "In the first", wrote the Commissioners, "should

¹ Islington Commission Report, page 26.

² *Ibid*, page 411.

be placed the Indian Civil Service and the Police Department, in which it should be recognised that a preponderating proportion of the officers should be recruited in Europe."¹ No definite reasons were assigned for keeping this preponderance of one racial group over another. In the case of the Indian Civil Service 75% of the posts were to be recruited through open competition in England. The maximum age² for competition was lowered from 24 to 19 thus preventing Indians from entering in practice by that door. 25% of the posts were to be filled in India through nomination from amongst candidates with certain minimum qualifications; and, in order to remove all suspicions of favouritism, selection committees with some non-official and Indian members were to be associated with government officials—the majority on these committees was, however, to be of official members. In the case of the Police Service the proportion assigned for recruitment in India was still smaller—beginning only with 10 per cent.³ to be increased gradually to 20 per cent., "as occasion offers."

In the second group, the Commission placed "services like education, medical, public works and so on, in which there are grounds of policy for continuing to have, in the personnel an admixture of both Western and Eastern elements."⁴

In the third group, wrote the Commissioners, there "should be placed certain scientific and technical services, such as the agricultural and civil veterinary departments, etc., for the normal requirements of which it should be the aim to recruit eventually in India."⁴ Towards this end the Commission recommended the establishment of certain technical educational institutions. In the meantime recruitment from abroad was to continue in these departments.

Such were the proposals the Commission made to extend the employment of Indians in the higher ranks of the public

¹ The Islington Commission Report, page 61.

² The minimum age was reduced to 17, though the probationary period in England was increased from two to three years.

³ The Islington Commission Report, page 299.

⁴ *Ibid*, page 61.

service. These proposals were not only inadequate but they were insulting to a certain extent as well. They implied the racial superiority of the British and were based on the assumption that as long as British rule lasts in India certain services at least must retain preponderating proportion of the British element. No wonder they were universally condemned in India as soon as they were published.

The Islington Commission also recommended a considerable improvement in the emoluments of the members of the various public services amounting in all to over 88 lakhs of rupees, as estimated by Mr. M. B. Chaubal,¹ one of the members of the Commission. Out of the total increase of Rs. 88,25,760, increase in the salaries and pension contributions of the members of the Indian Civil Service alone amounted to rupees twenty lakhs.² These large increases were recommended on the plea of obtaining the proper type of recruits. It was shown by the two Indian members of the Commission that the existing salaries were more than sufficient to attract recruits of the right type. Mr. Abdur Rahim compared the salaries that were being paid to the members of the Indian Civil Service with those of the members of the Home and Colonial Services and showed that they were nearly twice as high. Members of the Indian Civil Service started on £340 a year and rose up to £2,000 a year. There were some 135 posts occupied by I.C.S. officers whose salaries varied between £2,200 and £6,667. After 25 years of service an I.C.S. officer could retire on a pension of £1,000. The starting salary in the case of Home Service was only £200, whilst in the case of Colonial Service £255 (Hong Kong) and £300 (Ceylon). The maximum salary was £1,000 in Home Service, £1,150 in Hongkong and £1,400 in Ceylon. The maximum salary even in special prized posts did not go beyond £2,000 a year in both England and Ceylon.³ There was thus no case for any increase in the salaries, allowances, pensions, etc. of

¹ Islington Commission Report, page 384.

² *Ibid*, page 386.

³ For a full comparison see H. N. Kunzru: *The Public Services in India*, pages 60 to 64.

the members of the Services. The total increase on the existing expenditure over the Public Services recommended by Mr. Abdur Rahim was only Rs. 10,00,000.¹

It is not necessary to deal with the other recommendations of the Commission here which are of a more technical nature. Reference, may, however, be made to one of them. The Services in India were classified into Imperial, Provincial, and Subordinate. The Commission recommended the abolition of the designation "Provincial". "If they are organised provincially they should ordinarily bear the name of their province ; for example, the Madras Civil Service, the Bombay Police Service, and so on. If they are under the Government of India the terms Class I and Class II should be used for the two services."²

The recommendations of the Islington Commission, as stated above, were received in India with great disappointment. They were universally condemned as inadequate and unsatisfactory. They were reviewed in general terms in the Report on Indian Constitutional Reforms, 1918 ; and, it was acknowledged, that substantial changes would have to be made before they were put into operation. Wrote the authors of the Montford Report, "The Report [Islington Commission] must form the basis of the action now to be taken, but in view of the altered circumstances we think that it will be necessary to amplify its conclusions in some important respects."³

IX

An event of considerable constitutional importance that took place during the period 1909-19, was the admittance of India to the Imperial Conference, Imperial War Cabinet and the British Empire Delegation to the Peace Conference on terms of equality with the self-governing members of the Empire. Mr. (afterwards, Sir) Muhammad Shafi moved a resolution in the Imperial Legislative Council on 22nd September, 1915,

¹ Islington Commission Report, page 452.

² *Ibid*, page 60.

³ The Report on Indian Constitutional Reforms, 1918, page 149.

recommending to the Governor-General in Council "that a representation be sent to His Majesty's Government urging that India should be officially represented in the Imperial Conference."¹

The institution of the Imperial Conference had come into existence in 1887 under the name of Colonial Conference in connection with the late Queen's Jubilee. Meetings of the Conference were also held in 1897, 1902 and 1907. At the Conference of 1907 a new constitution, with the name changed to Imperial Conference, was adopted. Henceforward the Conference was to be "a periodical meeting for the discussion of matters of common interest between His Majesty's Government and His Governments of the Self-Governing Dominions beyond the seas,"¹ presided over by the British Prime Minister. The first Imperial Conference was held in 1911 and the next was due to be held in 1915 but, owing to the outbreak of the War, was postponed indefinitely.

Lord Hardinge accepted the resolution of Mr. Shafi on behalf of the Government and foresaw no serious difficulty in the way. He said "It is true that India is not a Self-Governing Dominion, but that seems hardly a reason why she should not be suitably represented at future Conferences. India's size, population, wealth, military resources and, lastly, her patriotism demanded it."² At the same time Lord Hardinge made it clear that representation at the Conference will be by means of official gentlemen and the decision to admit or not rested with the Imperial Conference alone.

On December 19, 1916, Mr. Lloyd George, who had by this time succeeded to the British Premiership, announced the decision of the Cabinet in the House of Commons, to call an Imperial Conference and to invite Empire representatives to join the War Cabinet early in 1917. Invitations were issued to the Dominions and India on December 25, 1916. Wrote the Secretary of State to the Viceroy :—"His Majesty's Government

¹ Report on Indian Constitutional Reforms, 1918, page 609.

² Mukherjee: Indian Constitutional Documents, Vol. I, page 611.

have invited the Secretary of State for India to represent India at the sittings of the War Cabinet, of which for that purpose I shall be a member. I desire the assistance of two gentlemen specially selected for the purpose in consultation with you”¹ On February 7, 1917, Lord Chelmsford announced in the Legislative Council the appointment of three gentlemen—His Highness the Maharaja of Bikaner, the Hon’ble Sir James Meston, and Sir Satyendra Sinha—to assist the Secretary of State at the Imperial War Conference and the Imperial War Cabinet. There was disappointment in non-official circles for not allowing the Council to make the selection of Indian representatives. The Viceroy, therefore, felt it necessary to say:—“I am sorry to think that the enormous importance of the decision taken by His Majesty’s Government stands in danger of being minimised by hasty and not very well informed criticism. As the French proverb has it:—‘It is the first step that counts’—and India has been admitted to-day for the first time to a place of honour at the Council Table of the Empire. It marks a point in the history of India, which, though it may not be seen in its true perspective to-day, will, I have no hesitation in saying, be the beginning of a new chapter in India’s history under the Imperial flag.”²

The Imperial War Conference met in April 1917 and passed among others three resolutions—(1) that the constitution of the Conference “should be modified to permit of India being fully represented at all future Imperial Conferences”³ and for that purpose the assent of the Governments concerned should be obtained; (2) that a special Conference should be called to re-adjust “constitutional relations of the various parts of the Empire” “as soon as possible after the cessation of hostilities”,³ and that such a readjustment “should recognise the rights of the Dominions and India to an adequate voice in foreign policy and in foreign relations, and should provide effective arrangements for continuous consultations . . . and

¹ Mukherjee : Indian Constitutional Documents, Vol. I, page 609.

² *Ibid*, page 615.

³ Keith : Speeches on Indian Policy, Vol. II, page 132.

for necessary concreted action”¹ and (3) that the Conference “accepts the principle of reciprocity of treatment between India and the Dominions and recommends the Memorandum (presented by the Indian representatives on the position of Indians in the Self-Governing Dominions) to the favourable consideration of the Governments concerned.”¹

Besides the Imperial Conference meetings there were also held sittings of the Imperial War Cabinet to which representatives of the Dominions and India were invited as full members. On May 18, 1917, Mr. Lloyd George reported to the House of Commons that 14 sittings of the Imperial War Cabinet were held and that it was decided to hold meetings of the Imperial Cabinet “annually or at any intermediate time when matters of urgent Imperial concern require to be settled and that the Imperial Cabinet should consist of the Prime Minister of the United Kingdom and such of his Colleagues as deal specially with Imperial affairs, of the Prime Minister of each of the Imperial Cabinet should consist of the Prime Minister of the Dominions, or some specially accredited alternate possessed of equal authority, and of a representative of the Indian people to be appointed by the Government of India.”²

Before the Secretary of State could appoint representatives for the 1918 Imperial Conference and Imperial War Cabinet, Mr. S. N. Pannerjee moved a resolution in the Imperial Legislative Council recommending that Indian representatives be appointed on the recommendation of the elected members of the Council but this was not accepted by the Government. The Viceroy, therefore, nominated Sir Satyendra Sinha to represent India on both the Imperial War Conference and the Imperial War Cabinet of 1918. For the Imperial War Conference, H. H. the Maharaja of Patiala was also nominated.

The Imperial War Conference met for the second time in July 1918, and among other things, agreed to give effect to the principle of reciprocity laid down in 1917. A resolution

¹ Keith : Speeches on Indian Policy, Vol. II, page 133.

² Mukherjee : Indian Constitutional Documents, Vol. I., page 617.

was passed enunciating the doctrine that each Government "should enjoy complete control of the composition of its own population by means of restrictions on immigration ;"¹ but that British citizens from one country "should be admitted into any other British country for visits, for the purpose of pleasure or commerce, including temporary residence for the purpose of education."¹ It was, however, clearly stated that "such right shall not extend to a visit or temporary residence for labour purposes or to permanent settlement."² The Resolution permitted Indians already permanently domiciled in the Dominions "to bring in their wives and minor children on condition"² that only one wife and her children, certified to be legally so by the Indian Government, were brought.

This resolution was intended to solve the difficulties of Indians who had emigrated or wished to emigrate to the British Dominions. How far did it accomplish its purpose will be discussed in a later chapter when the whole problem of Indian emigration will be examined.

Shortly after the Imperial War Conference was over, came the armistice and the problem of negotiating the Peace. For this purpose a Peace Conference was held at Versailles on which the British Empire was represented, not by Great Britain alone, as it used to be on similar occasions before, but by a Delegation representing Britain, all the Dominions separately, and India. The Peace Treaty was signed by the representatives of the Dominions and India separately and on behalf of their respective countries and they also became independent members of the League of Nations, whose Covenant formed an integral part of the Treaty.

It was in this manner that India gained the status of a Dominion in external matters. Very little importance is attached by Indians to this improvement in her position. As a matter of fact, most of the advanced nationalists regard Indian membership of the League of Nations as more of a burden than a privilege. They look upon the League with

¹ Keith : Speeches on Indian Policy, Vol. II., page 135.

² *Ibid*, page 136.

suspicion—as a combination of exploiting and imperialistic nations—and they regard Indian representation as more useful to Britain than to India, so long as Indian representation is official and under British control. There is, no doubt, an element of truth in these contentions and India can only derive real benefit of her membership of the League and the Imperial bodies when she is self-governing. But there is also force in the other view that the first steps, though they may not bring immediate and tangible benefits, are of great importance. All the same India's position at present is anomalous both in the Councils of the League as well as those of the Empire, as they are really meant for self-governing nations ; and India can expect to pull her full weight in them only when she becomes self-governing.

CHAPTER XXIV.

REVOLUTION AND REPRESSION.

I.

The Reforms of 1909 did not put an end either to repression or to revolutionary crime in India. Lord Morley was urging from London the adoption of a policy of conciliation by signalling the completion of the reforms scheme by some notable act of clemency. He pressed the Viceroy to order the release of the Bengal deportees¹ simultaneously with the publication of the Regulations. On October 21st, 1909, he telegraphed: "The continued detention of the deportees makes a mockery of the language we are going to use about reforms".² But the Viceroy opposed their release till after the elections to the reformed Councils were over. He wrote:—"Surely it would not be wise to turn loose those fire-brands into the political arena at the very time when we are hoping that the reasonable and stable characters in Indian society will come forward and range themselves on our side"³ The strongly worded protests of the Government of India silenced the Secretary of State for the time-being and the Reforms in stead of being inaugurated with an act of clemency were ushered in on the morrow of an anarchical crime. On the 25th January, 1910, the newly elected Imperial Legislative Council was formally declared open by Lord Minto, but on the previous evening was shot dead the deputy superintendent of police, Shamsul Alam, while leaving the Calcutta High Court after the hearing of the appeal in the Alipur Conspiracy Case.⁴ And the first important act of the reformed Imperial Legislature was to pass a stringent press law.

¹ See page 364, *supra*.

² Buchan : Lord Minto, page 391.

³ *Ibid*, page 292.

⁴ See pages 334 and 335, *supra*.

II.

During the last four years there was a quick succession of attempts at anarchical crime. This, as the Viceroy wrote to Lord Morley, had unnerved the European population at Calcutta. It was felt that some strong action was necessary to restore confidence. The Commander-in-Chief proposed the proclamation of Martial Law—the very mention of which, wrote Lord Morley, “makes my flesh creep.”¹ The proposal was vetoed by the Viceroy but it was decided to pass a stringent press law at once. This was done on February 9th, 1910, on which date Lord Minto also issued orders for the release of the Bengal deportees.

The previous history of the press legislation has been described in earlier chapters. In 1881 the press was again made free in India which enabled it to expand considerably. By 1901-02 the number of newspapers had risen to 708 and the figure reached 753 in 1907-08.² In 1908 was passed the Newspapers (Incitement to Offences) Act³ to prevent the dissemination of revolutionary teachings through the Press. As a result of action taken under this Act such extremist organs as the *Yugantar*, the *Sandhya* and the *Bandemataram* ceased to exist. The Government possessed wide powers of prosecuting newspapers for sedition under Sections 124A and 153A of the Indian Penal Code. Security could be demanded from publishers under Section 108 of the Code and there was the Newspapers (Incitement to Offences) Act, 1908, to suppress papers preaching violent action. But the Government of India felt that these powers were not deterrent enough to stop the dissemination of seditious literature through the Press and they pushed through the Imperial Legislative Council, by suspending ordinary rules of procedure—in spite of the protest of non-official members like Pandit Malaviya and Mr. Bhupendra Nath Basu—a stringent press law, which became the Indian Press Act, 1910.

¹ Morley : Recollections, Vol. II, pages 328.

² Moral and Material Progress Report, 1911-12, page 362.

³ See Section IV of Chapter XIX, *supra*.

The Act of 1910 revived some of the worst features of the Indian Vernacular Press Act, 1878. There were, however, two important differences:—The Act of 1910 applied to the whole Press—vernacular and English, Anglo-Indian¹ and Indian; and there was a provision in it for an appeal to High Court.

The Indian Press Act, 1910, empowered a Magistrate to require a deposit of not less than five hundred and not more than two thousand rupees from keepers of new printing presses² and also from publishers of newspapers³ when they made declarations before him under Section 4 of the Press and Registration of Books Act, 1867. The Act further empowered the Local Governments to require existing presses and the publishers of newspapers registered before the coming into force of the Press Act, 1910, to deposit not less than five hundred and not more than five thousand rupees, if matter coming within section 4 (1) of the Act was printed or published therein. The Magistrate was also given the power to dispense with the deposit of any security from a press or newspaper or to cancel or vary any order already issued in this connection if he had any special reasons—"to be recorded by him"—for doing so.

Section 4 (1) of the Indian Press Act, 1910, defined in six comprehensive clauses⁴ matter which was considered objectionable and the publication of which would entitle a Local Government to declare the security deposited to be forfeited to His Majesty. Offences under the Explosive Substances Act, 1908,⁵ and the Newspapers (Incitement to Offences) Act, 1908,⁶ were again included under the Act of 1910. The definition of

¹ The inclusion of the Anglo-Indian Press did not mean much in practice. Anglo-Indian Press could not preach sedition in any case; and it was the general complaint of Indians, voiced by Mr. Gokhale and many other important witnesses that in spite of its preaching race hatred the Government took no action against it. See pages 279-80, above; and also paragraph 7 of the Report of the Press Laws Committee, 1921.

² Section 3 (1) of the Act, Ghosh: Press and Press Laws in India, page 66.

³ Section 8 (1) of the Act, *Ibid*, page 69.

⁴ Section 4 (1) of the Act, *Ibid*, pages 67 and 68.

⁵ See page 359, *supra*.

⁶ See page 360, *supra*.

sedition publications was widened to include writings against the Indian princes, judges, executive officers and public servants. All attempts, direct or indirect, to seduce persons employed in His Majesty's defence forces or to intimidate people to give money for revolutionary work or to prevent them from giving help in discovering and punishing revolutionary crime were included in the definition of objectionable matter under this Section 4(1). Indeed this section was so worded as to leave little scope for independent criticism of Government action to the Press. But what was still worse was that the power of deciding whether any particular publication did or did not offend against Section 4(1) was given to the Local Government and not to the ordinary courts.

If under Section 4 (1) the Local Government has confiscated the security of any printing press or of any newspaper and the keeper of the press¹ and the publisher of the newspaper² make a fresh declaration under Section 4 of the Press and Registration of Books Act, 1867, each of them shall be required to deposit with the Magistrate security of not less than one thousand and not more than ten thousand rupees. If after depositing such security the Local Government is of opinion that the printing press or the newspaper has again committed an offence under section 4 (1) it may order the security, the printing press and all copies of the newspaper and other offending publications to be forfeited to His Majesty.³

The Local Governments were further given the authority⁴ to require the customs officer or the officer in-charge of any post office to detain any packet or parcel or consignment suspected to contain matter coming within the meaning of Section 4 (1) of the Act and to deliver the same to the Local Government.

Lastly, the Indian Press Act, 1910, provided for an appeal⁵ to the High Court, to be tried by a Special Bench of

¹ Section 5 of the Act, Ghose : The Press & Press Laws in India, page 68.

² Section 10 of the Act, *Ibid*, page 70.

³ See Sections 6 and 10 of the Act, *Ibid*, pages 69 and 71.

⁴ See Sections 13 and 15 of the Act, *Ibid*, pages 71 and 72.

⁵ See Section 17 of the Act, *Ibid*, page 72.

three Judges,¹ to set aside the order of the Local Government, within two months of the date of the order of forfeiture, on the ground that the matter objected to did not fall within Section 4 (1) of the Act.

Such were the provisions of the Indian Press Act, 1910. The effects of the working of the Act during the period under review (1909—1919) were briefly summarised by the secretary of the Indian Press Association in a cable sent by him to the British Prime Minister and the Secretary of State for India, on July 2nd, 1919. "Act since enactment penalized over 350 presses, 300 newspapers, demanded securities amounting over £40,000, proscribed over 500 publications. Owing to demand of security over 200 presses, 130 newspapers not started. Leading, influential Indian English Journals, like *Amrita Bazar Patrika*, *Bombay Chronicle*, *Hindu*, *Independent*, *Tribune*, *Punjabee*, leading vernacular papers like *Basumati*, *Swadeshi-mitram*, *Vijaya*, *Hindvasi*, *Bharatmitra*, subjected to its rigors. On the other hand, violent provocative writings in Anglo-Indian Press entirely immune."² The Government of India was pressed to institute an inquiry into the working of the Act but without result. Ultimately the matter came up before the reformed Legislative Assembly in 1921 when a committee was appointed to enquire into the question.

III.

A few months after the passing of the Press Act, the Government brought forward a Continuing Bill to extend the life of the Prevention of Seditious Meetings Act, 1907,³ till March 31st, 1911—till the new Governor-General came and had time to study the situation and to make his own recommendations in connection therewith. The Act of 1907 was designed to meet the extraordinary situation existing in that

¹ Section 18 of the Act, *Ibid*, page 72.

² *Ibid*, pages 39 & 40 and also see pages 92 to 99 where a complete list of the victims of the Press Act is given from the article of Mr. Advani in the "Home Rule" of June 1919. A detailed statement of the action taken under the Press Act during 1910, 11, 12 & 13 was also supplied by the Government to the Indian Legislative Council.

³ See pages 357-58, *supra*.

year in Eastern Bengal and the Punjab¹ and was of a strongly repressive nature. It had also been worked stringently and even unfairly, as was pointed out by Mr. Gokhale in the Legislative Council.² By August 1910 the situation had improved greatly, as was admitted by the official members and the Governor-General, and had ceased to be dangerous or extraordinary. The non-official members,³ therefore, opposed the continuation of the measure even for a few months, pleading that it could be re-enacted later, if found necessary. But the Government was unyielding⁴ and the Continuation Bill was passed in August 1910.

The Prevention of Seditious Meetings Act, 1907, again came up for discussion before the Indian Legislative Council in March 1911, and this time the Government proposed to allow the 1907 Act to expire on March 31st, but to replace it by a new measure with the same object though with less stringent provisions and on a permanent basis. Consequently, the Prevention of Seditious Meetings Act, 1911, was passed in March and placed permanently on the Statute Book.⁵

The Act of 1911 tried to remove some of the glaring defects of the 1907 Statute. In the first place, the new Act could only be applied to any particular area in a province after obtaining specific permission from the Governor-General in Council. Secondly, the provision in the old Act that any meeting of more

¹ For a description of the conditions in 1907 see pages 342-46, *supra*.

² Mr. Gokhale gave specific instances. Three district conferences were prohibited on the plea that they would discuss Provincial and Indian questions. Wordings of the Resolutions were demanded before giving permission for the holding of the meetings. Meetings to voice social grievances by the depressed classes were prohibited. See page 30 of the Legislative Council Proceedings, Vol. XLIX.

³ All the leading non-official members like Messrs. Gokhale, Malaviya, Basu, Mudholkar, Sinha, Mazrul Haque, Suba Rao strongly opposed the Continuation Bill.

⁴ Even such a strong supporter of the 1909 reforms as Mr. Gokhale had become convinced of the utter futility of the non-official opposition as early as August 1910. He said in the course of his speech: "Now, my Lord, we well know that when once the Government had made up their mind to adopt a particular course nothing that the non-official members may say in the Council is practically of any avail in bringing about a change in that course," page 29, Proceedings, Vol. XLIX.

⁵ The Act was later repealed on the recommendation of the Repressive Laws Committee, 1921.

than twenty members should be regarded as a public meeting, was dropped. Thirdly, the new Act omitted the words "for any political object" from clause 4 defining the kind of meetings that were to be prohibited. Only those meetings which were likely to lead to disturbance of the peace or the public tranquility, were to be prohibited. Fourthly, the authority to whom notice of public meetings was to be given was changed from the Superintendent of Police to the District Magistrate or any first class magistrate authorised for the purpose. Otherwise the provisions of the 1907 Act were re-enacted in the Statute of 1911.¹

In spite of these modifications the new measure was strongly opposed by the bulk of non-official members as unnecessary, arbitrary and repressive. It armed the executive with large permanent powers of extraordinary type, which were bound to have a stifling effect on the public life of the country.

IV.

The passing of these repressive measures had very little effect on the activities of the revolutionaries in India. Political murders and dacoities continued especially in Eastern Bengal and Calcutta. Mention has already been made of the murder of the Deputy-Superintendent of Police, Calcutta on January 29th, 1910. In March 1910, the Howrah Conspiracy Case was instituted in which fifty persons were charged with conspiracy to wage war against the King and with committing political dacoities.² In July 44 men were prosecuted on a similar charge in what is known as the Dacca Conspiracy Case—fifteen of the accused were found guilty and sentenced to various terms of rigorous imprisonment, varying from 2 to 7 years.³ Besides these there were other attempts at revolutionary crime during 1910.⁴ During 1911 altogether 18 outrages were committed by the Revolutionaries including one murder in Calcutta and three

¹ See pages 357-58, *supra*.

² Indian Sedition Committee Report, 1918, page 44.

³ *Ibid*, page 46.

⁴ *Ibid*, pages 46 & 47.

in Eastern Bengal.¹ On February 21st, 1911, Srish Chandra Chakravarty was shot dead in Calcutta and on the 11th December, on the eve of the Royal Proclamation, Inspector Man Mohan Ghosh was murdered at Barisal. "After that there was a temporary lull, but it proved temporary" as was explained by Sir Reginald Craddock in the Legislative Council on March 5, 1913. "In May (1912) there was dacoity committed by bands of youngmen in the Backergunge district. In July two more dacoities of the same kind occurred in Backergunge and Dacca; in September head constable Rati Lal Roy was shot in Dacca."² In November 1912, were discovered "a collection of revolutionary stores, arms and documents in the box of Girindra Mohan Das"³ son of an ex-additional magistrate of Dacca. And on December 13, 1912, there was an attempt to murder Abdur Rahman, informer in the Midnapur Bomb Case.⁴ But the crime that naturally attracted the greatest attention in this country and abroad and which was universally condemned as most heinous and diabolical was the attempt on the life of Lord Hardinge at the time of the State Entry into the new Capital on December 23rd, 1912. When the Viceregal elephant passed in front of the Punjab National Bank in *Chandani Chowk* a bomb was thrown on it by a Bengali, Basanta Kumar Ghosh, who had disguised himself as a Muhammedan lady in *Burka*⁵—if his confession to an officer of the Criminal Investigation Department is to be believed.⁶ The Bomb, which was brought from Bengal for the purpose, exploded and killed one of the Viceroy's attendants, wounded severely some others and caused injuries to His Excellency, the Viceroy.

¹ The Indian Sedition Committee Report, 1918, pages 48, 49 and 50.

² Proceedings of the Indian Legislative Council, Vol. LI, p. 310.

³ Indian Sedition Committee Report, 1918, page 53.

⁴ *Ibid*, page 55.

⁵ *Burka* is worn over ordinary dress by *pardanashin* Mohammedan women when going out of doors which covers them from head to the feet right up to the ankles, with only small holes in front of the eyes to see.

⁶ O'Dwyer: *India as I knew it*, pages 169 and 170. Evidence was not sufficient to convict any one of the crime, but a conspiracy was unearthed which was held responsible for this and the Lahore (Lawrence Garden) Bomb outrage (1913). Heavy punishments were given to the accused in what came to be called the Delhi Conspiracy Case. See pages 143 & 144 of the Sedition Committee Report.

V.

Thus neither the Reforms nor the repressive legislation of 1910 and 1911 were able to stop revolutionary crime in India ; but the Government continued to believe in the efficacy of repressive laws. In March 1913, they introduced into the Indian Legislative Council, a bill to amend further the Indian Penal Code, which became the Criminal Law (Amendment) Act, 1913.

The Act of 1913 introduced in the Indian Penal Code the offence of conspiracy as an independent criminal offence. This had somehow escaped inclusion in the Indian Penal Code till then ; and, according to the Home Member, the Bill of 1913 was intended merely to supply the omission. It was further stated by him that the new measure was drawn up on the lines of the English Law, but the non-official members expected it to work more stringently in India and that for two main reasons. In England, said Mr. S. N. Bannerjee, the cases were decided by juries and the general administration of justice stood much higher than in India. And, secondly, pointed out Mr. Jinnah, the criminal procedure was different in the two countries and more favourable to the accused in England. He also pleaded that the new law should apply only to conspiracies against the State and not against private individuals. The select committee tried to safeguard the position to a certain extent by amending the Criminal Procedure Code as well.

The most important provision in the Act of 1913 was the addition of Section 120 (a) to the Indian Penal Code containing the definition of Conspiracy. The rest of the measure was subsidiary to that definition. It ran as follows :—

“When two or more persons combine and agree to do or cause to be done (i) an illegal act or (ii) an act which is not illegal by illegal means, such agreement is designated a criminal conspiracy, provided that no agreement except an agreement to commit an offence shall amount to a criminal conspiracy, unless some acts besides the agreement is done

affecting the object thereof by one or more parties to such agreement."¹

The addition of this section 120 (a) did not make any material difference to the growth of revolutionary societies in India. As a matter of fact, during the next three years the revolutionary movement made rapid strides in the country and its ramifications spread to the province of the Punjab.

VI.

The revolutionary movement reached the crest of the wave during 1913-16 both in Bengal and the Punjab. In Bengal political dacoities and murders through the use of the pistol and the bomb continued during the whole of the period under review ; and in addition there was an abortive attempt at a general rising plotted in conjunction with German agents. It is not necessary to give a detailed account either of the usual anarchical outrages or of the German-Bengali plot. A brief summary will suffice here as a more detailed description is easily available in the pages of the Sedition Committee Report, 1918.

During 1913, there were sixteen outrages in all in the whole of Bengal—ten of which were dacoities, two with murder, and with a loot of about Rs. 61,000.² On March 27th, an attempt was made to murder Mr. Gordon, I.C.S., at Sylhet with a bomb, but the bomb exploded on the way to Mr. Gordon's house killing the person who was carrying it. In April a bomb was thrown in the Raniganj Police Station but without any damage to life or property. On September 29, Head Constable Haripada Deb was shot dead in College Square, Calcutta, and the next day Inspector Bankim Chandra Chaudhuri was killed by a bomb at Mymensingh. On December 9, an unsuccessful attempt to murder Abdur Rahman was again made at Midnapore and on the 30th December a bomb was thrown in a police station in the Hoogly district. During 1914, 29 outrages in all were committed, out of which 16 were dacoities with or without murder. One of these was

¹ Proceedings of the Indian Legislative Council, Vol. LI, page 291.

² The Report of the Sedition Committee, 1918, page 59.

a case of theft of 10 cases of pistols and ammunition from Rhodda & Co., a firm of gun-makers in Calcutta, containing 50 Mauser pistols and 46,000 rounds of ammunition for the same. The remaining four were successful attempts at murder—one at Chittagong, one at Dacca and two in Calcutta. The first murder at Calcutta was that of Inspector Nripendra Ghosh of the C. I. D., who was killed while alighting from a tram at the junction of three crowded streets. One of the pursuers was also shot dead. The second attempt was made on November 25 at the house of Deputy Superintendent Basanta Chatterjee by throwing two bombs. The Deputy Superintendent escaped but a Head Constable was killed and three other persons wounded.

The year 1915 is the blackest year of the period. Daring dacoities and sensational murders were committed. Hold-ups in public streets of men carrying large sums of money by the use of pistols and motor cars on the American model were carried out and it was in this year that the German-Bengali plot was also discovered. In Calcutta alone there were ten outrages; two of them were committed with taxi cabs in the American style. Besides Nirod Halder, Inspector Suresh Chandra Mukerjee, Sub-Inspectors Girindra Bannerjee and Upen Chatterji and one constable were murdered. The Calcutta group of revolutionaries led by Jatin Mukerjee and Bipin Ganguli, were also responsible for five other outrages outside Calcutta. In Eastern Bengal there were 16 outrages, out of which three were well-planned murders—one was the murder of Comilla School Headmaster, Sarat Kumar Basu and the other of Dharendra Biswas, who had turned police informer. The third murder was of a particularly revolting type. Deputy Superintendent of Police, Jatin Mohan, was sitting with his little child on his knees in his house at Mymensingh, when he was fired upon. Both he and the child were killed on the spot. For the first time revolutionary crime was committed in northern Bengal during 1915. Additional Superintendent of Police, Rai Saheb Nanda Kumar Basu of Rangpur was fired upon in his house but he escaped. His servant, who tried to

pursue the assailants, was however mortally wounded. Besides this attempt at murder two dacoities were committed—one in the Rangpur district and the other in the Rajshahi district—with a total loot of property worth Rs. 75,000.

During 1916 six murders, including that of the Deputy Superintendent of Police, Calcutta, Basanta Chatterji, and several dacoities, some of which were unsuccessful, were committed; but during this year a large number of suspected revolutionaries were interned, some under Regulation III of 1818 and others under powers conferred by the Defence of India Act, 1915.¹ During 1917 there were nine outrages in all, two of which were attempts at murder of old revolutionary comrades, one on grounds of immorality, which was successful, and the other on account of treachery, which was however unsuccessful. Six of the rest were attempted dacoities, one of which was a very daring one—committed at the shop of a goldsmith in the Armenian street, Calcutta, at about 9 p.m. It resulted in heavy loss of life besides loss of jewellery—two were murdered and two wounded and one of the dacoits also was killed.

Such is the tale of anarchical crime in Bengal during this period. To make the account complete it is necessary to refer briefly to the German-Bengali plot of 1915.

VII.

Indian revolutionaries abroad tried to take advantage of the outbreak of the Great War to get help from Germany to push forward their schemes of work in India. The German authorities were hoping that the revolutionaries in India would be able to create enough trouble for the British there to make them less effective as combatants in Europe and were thus ready to lend them a helping hand by offering to supply arms, ammunition and money to bring about a general rising in India. The first step towards this German-Indian co-operation

¹ 56 altogether were interned under Regulation III of 1818 but out of these three were released in 1916. 238 persons were interned in Bengal under the Defence of India Act, 1915. See the Indian Year Book, 1917, page 698.

was the establishment of the "Indian National Party" in Berlin which was attached to the German General Staff. It was organised by Mr. Pillai, president of the International Pro-India Committee, Zurich, and included among its members Har Dayal, the founder of the *Ghadar* party in America, Barkatulla, Taraknath Das, C. K. Chakravarty and Heramba Lal Gupta.¹ The Indian National Party planned simultaneous general risings in Bengal and the Punjab. They established three bases for the purpose—one at Batavia for Bengal, one at Bangkok for returned immigrants from America, chiefly Sikhs going back to the Punjab and the third at Kabul for Muhammedans in Northern India. Two young Indians were sent from America to help in the work of organising, one Satyendra Sen was to organise in Bengal and the other Pingley was to do the same in the U. P. and the Punjab. They arrived at Calcutta in November 1914 and started their work in their respective areas. Early in 1915 arrived Jitendra Nath Lahiri from Europe bringing, definite promise of German help.

In Bengal the revolutionaries under the leadership of Jitendra Mukerjee and Narendra Bhattacharji resolved to co-operate with the Germans to bring about a rising in Bengal. Narendra Bhattacharji, with the pseudonym of C. Martin, was sent to Batavia to get into direct touch with the German Agent, Theodore Helfferich and to mature plans. It was decided to charter the *Maverick* and *Henry S*, two ships, and to use them for landing arms and ammunition and cash in India for the purposes of a revolution. A bogus firm under the name of Harry & Sons was organised in Calcutta to receive remittances from Batavia. It was felt that the revolutionary forces were strong enough to deal with the troops in Bengal and to prevent reinforcement from other provinces it was decided to blow up the principal bridges on the three main railway lines connecting Bengal with the rest of India. Arrangements were made to unload the arms and ammunition at Rai Mangal in the Sundarbans in June 1915, to store

¹ Indian Sedition Committee Report, 1918, page 119.

them in the neighbourhood and to distribute them from there to the revolutionary associations.

The S.S. *Maverick* sailed from San Francisco without cargo but with five Indian revolutionaries dressed as Persians and employed as waiters. It was to meet a schooner *Annie Larsen* near the Island of Socorro and to stow into the oil tanks arms and ammunition brought by the schooner from New York, purchased there by a German named Tauscher. The *Annie Larsen* could not effect a meeting with the *Maverick* and eventually reached Hoquiam in Washington territory in June 1915 where her cargo was seized by the United States authorities. The *Maverick* eventually reached Java without any cargo and was later sent back by Helfferich to America.

The *Henry S* started from Manila with a Cargo of arms and ammunition which were discovered by the customs authorities who made the Master unload them before sailing. The cargo was to be landed at Bangkok, part of it was to be kept for use in an attack on Burma and the rest was to be sent to Chittagong in Eastern Bengal.

After these attempts had failed the German Consul-General at Shanghai arranged to send two other ships with arms and ammunition to the Bay of Bengal, one to Rai Mangal, later changed to Hatia, and the other to Balasore. But these and other plans were never put into operation as, in the meantime, the Government of India had learned of the whole plot and had taken vigorous action to suppress it. The leaders in Bengal were rounded up—two of them were killed in the attack to capture them. The Shanghai Municipal Police arrested those who were in any way complicated in the plot and the American authorities prosecuted a number of Indian revolutionaries and their German co-helpers in America in two State trials, one at Chicago and the other in San Francisco.

VIII

The second storm centre during this period was the Punjab. The revolutionary movement made rapid strides and

assumed more alarming proportions there than in Bengal during 1913-16.

In an earlier chapter I have described the conditions as they prevailed in the Punjab in 1907-08 ; but the movement then was not at all revolutionary, though, it appears, the foundations of the revolutionary movement were laid in the Punjab in 1908. Attempts have been made, both by the Sedition Committee¹ and Sir Michael O'Dwyer,² to implicate Lala Lajpat Rai with the beginnings of anarchical movement in the Punjab by stating that it was in his house that Har Dayal began the work of initiating young men into anarchism. But writes Lala Lajpat Rai : "The whole of this statement is absolutely false."³ He was prepared to swear and prove the truth of his denial. He states that Har Dayal was staying in a rented house in the city about one mile from his place of residence in the civil station, though he used to visit him with his young friends, like Mr. Chatterji. On the other hand, it appears, that Mr. Ajit Singh did become involved in the anarchical movement after his return from Mandalay.⁴ He fled away to Persia in 1909 and from thence through Paris and Geneva, to Rio Janeiro in South America. According to Sir Michael O'Dwyer, Ajit Singh was in touch with the *Ghadar* revolutionaries in the U. S. A. during the Great War.

However to return to the beginnings of the revolutionary movement in the Punjab. It is now well-established that its real founder was Har Dayal. He was a resident of Delhi and had a brilliant academic career in Delhi and Lahore. He was awarded a Foreign Scholarship by the Government and went to St. John's College, Oxford, in 1905. He gave up the Scholarship in 1907 and returned to India. In 1908 he began to preach at Lahore a programme of general boycott and passive resistance to bring foreign domination to an end. He recruited two young men from Lahore, one Mr. J. N. Chatterji,

¹ See pages 144 & 145 of the Report.

² O'Dwyer : *India as I knew it*, page 185.

³ Lajpat Rai : *The Political Future of India*, page 165.

⁴ There is no clear evidence on the point. He was only charged with propagating sedition and promoting disaffection against the British Government but not of participating in any revolutionary conspiracy or crime.

who later left for England to study for the Bar, and the other Dina Nath, who ultimately turned approver. He entrusted their training to Master Amir Chand of Delhi, who had been his own teacher earlier, but whom he had converted to anarchism in 1908, and he himself went abroad to organise the movement from without. Amir Chand continued the education of Dinanath and of two other new recruits, Avadh Behari and Balmukand, with the help of Rash Behari of the Forest Research Institute, Dehra Dun, who also introduced his Bengali servant, Basanta Kumar Biswas, into the Society and linked the Society with the Bengal revolutionary organisation to obtain funds and implements, especially the bombs. Amir Chand and Rash Behari may thus be regarded as the joint leaders of the first revolutionary society in the Punjab.

The members of the Delhi Conspiracy, as it came to be called, were prosecuted in 1913. "The evidence produced at their trial inspires a strong suspicion that they themselves contrived the Delhi outrage [the Bomb thrown at Lord Hardinge in December 1912] and proves that they distributed other violently inflammatory leaflets received from Calcutta It was also established that, in pursuance of the plans of the conspirators, Basanta Kumar Biswas had placed a bomb on a road in the Lawrence Gardens at Lahore on the evening of May the 17th, 1913, with the intention of killing or injuring some Europeans. The bomb, however, killed no one but an unfortunate Indian orderly, who ran over it in the dark on his bicycle".¹

For these offences the accused were given very heavy punishments. Amir Chand, Avadh Behari, Balmukand and Basanta Kumar Biswas were sentenced to be hanged—"two of them only because of membership in the secret conspiracy and not for actual participation in the crime",² and two others to seven years' rigorous imprisonment each. Rash Behari was able to escape. "He is still at large" writes Sir Michael

¹ Indian Sedition Committee Report, 1918, page 144.

² Lajpat Rai : Political Future of India, page 173.

O'Dwyer and adds in a parenthesis "I have recently heard of him in Tokio".¹

IX

The revolutionary movement in the Punjab was reinforced by the return of Sikh emigrants from America during the next three years in fairly large numbers. The Sikhs had emigrated to the Far East and America to improve their economic conditions. Many more were anxious to go and settle in Canada. But the Canadian authorities were putting all kinds of obstacles in their way. They were bent upon stopping all further immigration of Indians and were using all manner of means to drive away those that had already been admitted. The Sikh immigrants were not allowed to send for their wives and children. Each intending Asiatic immigrant was required to satisfy the Canadian Authorities that he was in possession of 200 dollars and that he had travelled by a continuous journey on a through ticket from his native country.² This meant an absolute immigration bar for Indians as there was no direct steamer service to Canada. In 1913 three Sikh delegates came from Canada to arouse public opinion in India³ and to persuade the Government to take some action to redress the grievances of Indians in British Columbia. They saw both the Head of the Punjab Government and the Viceroy. They held public meetings in various towns in the Punjab. But the Canadian authorities did not relax the immigration regulations. A public spirited Sikh, who had settled in the Far East and was carrying on a prosperous business as a contractor in Singapore and Malay States, named Sardar Gurdit Singh, decided to circumvent the Canadian Regulations by chartering a Japanese steamer, *Komagata Maru*, and by taking passengers from Hong Kong, Shanghai, Moji and Yokohama direct to Vancouver. The *Komagata Maru* sailed from Hong Kong on the 4th April, 1914,

¹ O'Dwyer : India as I knew it, page 185.

² Report of the Indian Sedition Committee, 1918, page 146.

³ The Indian Sedition Committee describes them as members of the *Ghadar* party who had come to reconnoitre the position.

and reached Vancouver on May, 23rd, with 351 Sikhs and 21 Punjabi Mussulmans on board. "The local authorities refused to allow landing except in a very few cases, as the immigrants had not complied with the requirements of the law. Protests were made, and, while negotiations were proceeding, a balance of 22,000 dollars still due for the hire of the ship was paid by the Vancouver Indians, and the charter was transferred to two prominent malcontents".¹ The vessel was ordered to leave the Canadian waters but the Sikhs defied the order. The police were beaten off. Ultimately a government vessel with armed force was sent to enforce orders. The provisions were supplied for the return journey by the Canadian Government and *Komagata Maru* sailed back on July 23rd, 1914. The passengers "were by this time in a very bad temper as many had staked all their possessions on this venture This temper had been greatly aggravated by direct revolutionary influences. The revolutionary party too had endeavoured to smuggle arms on board at Vancouver".²

Before *Komagata Maru* could complete the return journey War had broken out in Europe. The authorities in India did not allow the passengers to land at any intermediate port but made them proceed to Calcutta. On the 29th September the vessel was made to moor at Budge-Budge. In the meantime "Ingress into India" Ordinance had been passed which authorised the Government to restrict the liberty of any person entering into India, if such action were deemed necessary for the protection of the State. Under this Ordinance the Government asked all the passengers to get into a special train which was to convey them to the Punjab, free of charge. "The Sikhs refused to enter the train and tried to march on Calcutta in a body. They were forcibly turned back ; and the riot ensued with loss of life on both sides. Many of the Sikhs were armed with American revolvers. Only 60 passengers in all, including the 17 Mohammedans on board, were got off in the train that evening. Eighteen Sikhs were killed in the

¹ Indian Sedition Committee Report, 1918, page 147.

² *Ibid*, page 148.

riot ; many were arrested then or subsequently ; and 29, including Gurdit Singh, disappeared. Of those who were arrested the majority were allowed to go to their homes in the following January. Thirty-one were interned in jail.”¹ Thus ended the attempt to circumvent the Canadian immigration laws.

X

The *Komagata Maru* episode embittered the feelings of the Sikhs against the British Government, whom they held responsible for all their misfortunes. The Sikhs abroad—some 4,000 of them were in Canada and there were some in the U. S. A., Phillipines, Hongkong, China, etc.—became more liable to be influenced by the revolutionary propaganda of the *Ghadar* party, which was planning a revolution in India with the help of the Germans, as stated above.² The *Ghadar* revolutionaries urged the Sikhs to go back to the Punjab and help to overthrow the Government which had treated them so badly in spite of their past services to the Empire. “Numbers of emigrants listened to such calls and hastened back to India from Canada, the United States, the Phillipines, Hong Kong and China.”³

The propaganda of the *Ghadar* party increased in intensity during 1914-15. The *Ghadar* party had been organised by Har Dayal with the help of Ram Chandra, Peshawari and Barkatulla and had its headquarters in California. After initiating the revolutionary movement in the Punjab,⁴ Har Dayal reached the United States of America early in 1911 and settled down at Berkeley in California, where a sort of revolutionary organisation was already at work among the Sikh immigrants. He at once set to work to create a powerful revolutionary centre there. He organised a lecturing tour all over the United States. In 1913 he started a newspaper called “*Ghadar*” (Revolt), and printed it in several Indian vernaculars

¹ Indian Sedition Committee Report, 1918, page 198.

² See pages, 470-71, *supra*.

³ Indian Sedition Committee Report, 1918, page 149.

⁴ See pages 473-74, *supra*.

in the "Jugantar Ashram" for free distribution among the Indian immigrants in America and the Far East and among various classes of the people in the different parts of India. The *Ghadr* has been described as "of a violently anti-British nature, playing on every passion which it could possibly excite, preaching murder and mutiny in every sentence, and urging all Indians to go to India with the express object of committing murder, causing revolution and expelling the British Government by any and every means".¹ Har Dayal pushed on the work of the party both through the *Ghadr* and by holding public and private meetings. Har Dayal was a powerful writer and speaker and his speeches were very effective. On March 16, 1914, he was arrested by the American Authorities with a view to his deportation as an undesirable alien. He was released on bail and entrusting the work of the *Jugantar Ashram* to Ram Chandra, he and Barkatulla fled to Switzerland and from thence to Germany. There, as has already been stated,² they organised the Indian National Party at Berlin, and planned, with the help of Germany, to bring about a stupendous revolution in India from two ends, Bengal in the East and the Punjab in the North-West.

The revolutionary movement in the Punjab during the first three years of the War was directed from two different centres outside India and consisted of two separate strands, one composed very largely³ of the returned Sikh emigrants, and the other of the Pan-Islamic Mohammedans. The Sikhs were directed from America and the Far East and were helped by Pingley, who had been specially deputed by the *Ghadr* party from America for the purpose, and Rash Behari Basu, who had been sentenced to be hanged in the Delhi Conspiracy Case but who had escaped arrest. The Pan-Islamic conspiracy was directed from Kabul by Barkatulla and Mahendra Pratap as will be seen a little later.

¹ Indian Sedition Committee Report, 1918, pages 145 & 146.

² See page 470, *supra*.

³ There were a few Muhammedans & Hindus as well.

XI

Shortly after the outbreak of the Great War shiploads of Sikh emigrants began to arrive at Calcutta, Madras and Colombo. According to the information received by the Government many of them had become converts to the *Ghadr* creed, who were returning to the Punjab to stir up revolution. The "Foreigners" Ordinance, passed on August 29, 1914, to prevent the entry of undesirable aliens into India, was inapplicable to the case of returned emigrants. A new Ordinance, called the "Ingress into India" Ordinance was passed and issued on September 5, 1914. It was first applied to the *Komagata Maru* passengers.

On October 29th, another Japanese steamer, *Tosa Maru*, carrying 173 Indian passengers, mostly Sikhs from America and the Far East, arrived at Calcutta. It contained leaders of the revolutionary movement, each of which was to work in a particular area of the province. By the 16th March, 1915, 3,125 emigrants had passed through the hands of the police into the Punjab. Their cases were closely scrutinised with the help of local committees of influential Sikhs, appointed specially for the purpose by the Punjab Government, as a result of which, 189 were interned in jails, 704 were restricted to their villages and 2,211 were allowed full freedom of movement for the time being.¹ These measures upset the prepared plans of the emigrants but they were able to evolve new schemes later with the help of Pingley and Rash Behari Bose. In the meantime they started a campaign of loot and murder to equip themselves with necessary funds. On November 27, 1914 a gang of 15 men was proceeding to raid the Moga sub-divisional treasury, when it was challenged by a police sub-inspector and a *zildar*. Both of them were shot dead by the dacoits ; who were, however, chased by the villagers and the police, with the result that two of the gang were killed, seven were captured, and the rest escaped. On the 28th, another gang had collected in a village in Amritsar District

¹ The Indian Sedition Committee Report, 1918, page 155.

but finding that the police and the cavalry were following, it dispersed. A police officer had gone to arrest a suspected emigrant, Prithi Rajput, on December 8, 1914. He was attacked and was almost done to death. On the 17th, a gang of returned emigrants robbed a Brahman of Pipli village in the Hisar district, of booty worth Rs. 22,000.

The Government of the Punjab considered the situation serious and approached the Government of India for a stringent Ordinance to deal with the new menace. While the draft Ordinance was being examined the returned emigrants pursued their planned course of dacoities and murders. During the months of December 1914, and January and February 1915, a number of dacoities and robberies were committed in the central districts of the Punjab and attempts were made to derail trains and to destroy railway bridges.¹ And above all a plot was hatched to bring about a simultaneous rising in the three important military towns in the Punjab on February 21st, 1915.

The Lahore Conspiracy, as it came to be called, was elaborately planned by Pingley and Rash Behari Basu. A factory for the manufacture of bombs was established at Amritsar; but the headquarters of the movement were located in Lahore, with Rash Behari Basu as the chief director. He "sent out emissaries to various cantonments in upper India to procure military aid for the appointed day. He also tried to organise the collection of gangs of villagers to take part in the rebellion. Bombs were prepared; arms were got together; flags were made ready; a declaration of war was drawn up; instruments were collected for destroying railways and telegraph wires It became manifest that the plotters had designed simultaneous outbreaks at Lahore, Ferozepur and Rawalpindi; and later it appeared that their operations were intended to cover a far wider area . . ."¹ The Government received information of the projected rising through a spy and raided the headquarters of Rash Behari Basu. "Thirteen in all were taken and four houses searched. Twelve

¹ For details, see Indian Sedition Committee Report, 1918, pages 152-53.

bombs were seized, five of which were loaded bombs of the Bengal pattern Rash Behari and Pingley escaped, the latter only for a time as he was arrested a month later in the Lines of the 12th Cavalry at Meerut with Bombs in his possession".¹

The rising was thus nipped in the bud, but political dacoities and murders continued for sometime after. A few prominent Sikh co-operators like Sardar Chanda Singh and Sardar Bahadur Achhar Singh and a witness in the first Lahore Conspiracy Case, named Kapur Singh, were murdered. By August 1915 the movement had subsided and on January 31st, 1916, the Punjab Government was able to write:—"The returned emigrants among the Sikhs are reported to be settling down, and the feeling among the Sikhs generally is reported to be more satisfactory than at any time for some years".²

This change was brought about, according to the claims of the Punjab Government, by the vigorous action taken under the Defence of India Act, which was passed in March 1915, and by rallying the loyal elements in the population to the side of the Government.

XII

As already stated, the Punjab Government had submitted to the Viceroy a draft Ordinance for consideration in December 1914. It was intended to provide for a speedy and less public trial of cases of political crime committed by the returned emigrants. It created a new substantive offence, "the carrying of arms in suspicious circumstances" and provided, subject to the sanction of the Local Government, "(a) for the elimination of committal procedure in the case of offences of a political or quasi-political nature ; (b) for the elimination of appeal in such cases ; (c) for the taking of security from persons of the class affected by a more rapid procedure than that prescribed by the ordinary law ; (d) for the prompt punishment of village officers and the finding

¹ Indian Sedition Committee Report, 1918, page 154.

² *Ibid*, page 157.

of villagers colluding with and harbouring revolutionary criminals."¹

The Government of India did not consider the matter so urgent as to require the issuing of an Ordinance at once ; but the Government of the Punjab went on pressing for the grant of special powers, especially after the discovery of the Lahore plot of February 21st. The Government of India was already contemplating the enactment of a Defence of India Act, somewhat on the lines of the English Defence of the Realm Act. They decided to include in it provisions to meet the special needs of the Punjab and Bengal—on the lines suggested in the draft Ordinance proposed by the Punjab Government.

The Defence of India Act, 1915, which was rushed through the Imperial Legislative Council in a single sitting on March 18, 1915, was thus not purely a war measure. It was at the same time intended to repress political crime and even to supersede the ordinary criminal law of the land in some cases, as was pointed out by the Hon'ble Pt. M. M. Malaviya in the course of the debate on the measure in the Council. Section 3 brought under the purview of the Act any person accused of any offence punishable with death, transportation or imprisonment for a term which may extend to seven years".² "Now", said Pt. Malaviya, "that practically abolishes the provisions of the Criminal Procedure Code for the trial of ordinary offences".³

There was no opposition to the measure as far as those provisions were concerned which were considered necessary to protect the military and naval interests of the country or the Empire. Nor was any opposition offered to the parts included for the punishment and suppression of violent political crime. But serious objection was taken by several non-official members to the creation of Special Tribunals and to their constitutions for the trial of cases under the Act and to

1 Indian Sedition Committee Report, 1918, page 151.

2 "Acts of 1915," page 8.

3 Indian Legislative Council Proceedings, Vol. LIII, page 490.

the power given to award capital sentences to the Special Tribunals.

It was felt that cases under the Act should either be dealt with by Court Martial, where offences relating to defence were concerned, as in England, or by the ordinary courts in the case of other offences. But section 4 provided that all trials under the Act should be held by Special Tribunals each consisting of three commissioners, appointed by the Local Government. The qualifications prescribed for the Commissioners were not considered high enough by several non-official members. It was felt that persons below the rank of High Court Judges should not be appointed; but the Act made eligible Sessions Judges and Additional Sessions Judges of three years' experience for appointment as Commissioners and insisted upon the possession of legal knowledge or judicial experience from only two of the three Commissioners.¹ The Act empowered the Commissioners to inflict death sentence on the accused if he had contravened any rules or orders framed under the Act with the intention of waging war against the King or of assisting the King's enemies. "A prisoner taken in war is interned", argued Pandit Malaviya, "and will not the ends of public safety and of justice be fully met if an offender of the type we are considering is so interned, or transported for life My Lord, there is always a danger of irrevocable injustice in the case of a death sentence. Such danger is enhanced where the trial is more or less of a summary character"²; and, it may be further added, that where there is no provision for appeal to a higher court. Section 6 of the Act provided that the judgment of the Commissioners was to be "final and conclusive".³

XIII

The persons involved in the Lahore conspiracy and other political offences were tried by Special Tribunals constituted

¹ Acts of 1915, page 8.

² Indian Legislative Council Proceedings, Vol. LIII, page 491.

³ Acts of 1915, page 9.

under the Defence of India Act, 1915. Altogether nine batches of conspirators were tried ; but it is sufficient to deal here very briefly¹ with the three Lahore Conspiracy Trials. In the first case 61 accused were before the Court, including almost all the leaders of the movement, among them Pingley and Bhai Parma Nand. The latter had returned to India in 1913 and was supposed to be a close associate of Har Dayal in America. "He was found to be a leader of the Conspirators" by the Special Tribunal, and was sentenced to death. The sentence was commuted by the Viceroy to transportation for life, which was also remitted later. He is now taking a leading part in the Hindu Sabha Movement.

In the second case the accused numbered 74. Even after the failure of the 21st February Plot the returned emigrants continued their revolutionary activities. They tried to do propaganda work among the students and the Indian Army and were responsible for several dacoities and murders.

In the third Lahore Conspiracy Case the number of the accused was only 12 but they were connected with the German plot to invade India through Burma. The base was at Bangkok in Siam where some Indian revolutionaries had collected from Canada and were working in league with the German Agents.

The sentences in these conspiracy cases were very heavy, especially as compared with those awarded in Bengal. In all 175 persons were put on trial "of these 136 were convicted of offences in nearly all cases punishable with death ; 38 were sentenced to death, but the sentences were commuted to transportation for life in 18 cases . . . , and in the end only 20 were hanged ; 58 were transported for life ; 58 were transported or imprisoned for shorter periods."²

Mention has been made above of the attempts made by the revolutionaries to disaffect the Indian troops. It appears that they were successful in one or two cases. The military authorities did not think it advisable, so writes Sir Michael

¹ For details see Indian Sedition Committee Report, 1918, pages 157 to 160.

² O'Dwyer : India as I knew it, page 207.

O'Dwyer, "to have a public Court-Martial which would make public the mutinous preparations",¹ but sent "the tainted Sikh Squadron" to the Front. "The depot was moved to a distant station, and when it was detraining, some of the bombs, which had been secreted for months after 19th February, exploded. A Court-Martial could not now be avoided. The result was that eighteen men of the regiment were sentenced to death, and twelve were actually executed."¹

XIV

A serious attempt to stir up revolution in the Punjab was also made during the War by the Pan-Islamist party, directed from Kabul by the Indian revolutionaries, Mahendra Pratap and Barkatulla, who were sent there by the Indian National Party of Berlin.

The pan-Islamic movement had gathered strength in India during the Turko-Italian and the Balkan Wars of 1911-13. The leaders of the movement were Maulana Zafar Ali, editor of the *Zamindar*, Lahore, and the two brothers, Maulanas Mohammad Ali and Shaukat Ali, who were editing, the *Comrade* and the *Hamdard* from Delhi. They disliked the attitude adopted by Great Britain towards Turkey and stirred up deep sympathy among Indian Mussalmans for their co-religionists, the Turks. Subscriptions were raised in 1912 for the Turkish Red Crescent and Maulana Zafar Ali went himself to present part of the money to the grand Vizier at Constantinople. The gift was gratefully acknowledged by the Sultan by sending a carpet for the *Badshahi* Mosque at Lahore early in 1914.

The tone of the Pan-Islamist Press became more and more critical of the British policy after the return of Maulana Zafar Ali from Turkey. The Punjab Government confiscated the security of the *Zamindar* in 1913. Fresh security was demanded and paid but without effecting any change in the policy of the newspaper, with the result that shortly afterwards both the security and the press were confiscated by the

¹ O'Dwyer : *India as I knew it*, page 203.

Government. When the War broke out Maulana Zafar Ali and the Ali Brothers were interned in their villages for the duration of the War.

Shortly after the entry of Turkey into the Great War Indian revolutionaries in Berlin decided to send Mahendra Pratap and Barkatulla to Kabul to utilise the pan-Islamic sentiment to foment a Moslem rising in the East. Mahendra Pratap was a wealthy landowner in the United Provinces, and was married in a Sikh ruling family. He had gone to Switzerland soon after the beginning of the War and there came under the influence of Har Dayal. He was taken to Berlin and introduced as a Prince with great influence. Barkatulla was a resident of Bhopal who had become a professor at the Tokio University in 1909. He started a paper, the *Islamic Fraternity*, soon after his arrival in Japan. In 1911, he visited Cairo, Constantinople, St. Petersburg and established contact with Krishna Varma. On his return to Japan his paper was suppressed and early in 1914 he was deprived of his professorship. He joined Har Dayal in San-Francisco and became a leader of the *Ghadr* Party and later went with him to Berlin. He and Mahendra Pratap were sent to Kabul with a Turko-German Mission to disaffect the ruler of Afghanistan and to foment revolution in Northern India.

In the Punjab the Pan-Islamic movement had taken root. Feeling was running high in the minds of the Moslem youth. A secret organisation was trying to recruit students for revolutionary work. It was successful in getting 15 college students from Lahore and some from Peshawar and Kohat and to send them by devious routes to a place beyond the North-West Frontier, which was the headquarters of the anti-British Wahabi sect of Mujahaddin, known as the "Hindustani Fanatics." From there they proceeded to Kabul—"where they were first placed in strict detention and afterwards released and allowed some freedom of movement under surveillance".¹ They were involved in what is known as the "Silk letter" conspiracy. "This was a project hatched in India with the object of

¹ Indian Sedition Committee Report, 1918, page 175.

destroying British rule by means of an attack on the North-West Frontier, supplemented by a Muhammedan rising in the country. For the purpose of instigating and executing this plan a certain Maulvi Obeidulla crossed the North-West Frontier early in August 1915 with three companions, Abdulla, Fateh Muhammad and Muhammad Ali."¹ Obeidulla was trained as a Maulvi in the Deoband Religious School. He was able to influence the head Maulvi of the School, Muhammad Hasan, with anti-British ideas. "On September the 18th, 1915, Muhammad Hasan, with a certain Muhammad Mian and other friends, followed Obeidulla's example by leaving India, not however for the North, but for the Hedjaz tract of Arabia."²

The Muhammad Hasan Party set to work in Arabia and obtained a declaration of *Jihad* from the Turkey Military Governor of the Hedjaz, Ghalib Pasha. Muhammad Mian returned with this declaration called "*Ghalibnama*" in 1916. He distributed copies of it both in India and among the frontier tribes and joined Obeidulla and party in Kabul. The *Ghalibnama* after reciting the achievements of the Turks and the Mujahaddin and the preparations made by Moslems in other parts of Asia, Europe and Africa appealed to the Moslems in India:—"Oh, Moslems, therefore attack the tyrannical Christian Government under whose bondage you are Hasten to put all your efforts, with strong resolution, to strangle the enemy to death and show your hatred and enmity for them".³ The *Ghalibnama* asked Indian Mussalmans to trust Muhammad Hasan and to "help him with men, money and whatever he requires".³

The base for action was located in Kabul. Obeidulla and his friends had already reached there after visiting the Hindustani Fanatics and had established contact with the Turco-German Mission, the Indian Revolutionaries from Berlin, and the Muhajrin students from India. In 1916 Muhammad Mian also reached Kabul after distributing copies

¹ Indian Sedition Committee Report, 1918, page 176.

² *Ibid*, page 177.

³ *Ibid*, page 179.

of the *Ghalibnama* on his way. They all joined hands and worked out an elaborate scheme of action. A "Provisional Government" was formed with Mahendra Pratap as President and Barkatulla as the Prime Minister. "The 'Provisional Government' despatched letters to both the Governor of Russian Turkistan and the then Czar of Russia"—the latter was on a gold plate—"inviting Russia to throw over her alliance with Great Britain and assist in the overthrow of British in India".¹ The "Provisional Government" also attempted an alliance with the Turkish Government through Maulana Muhammad Hasan. Two letters, one by Obeidulla and the other by Muhammad Mian, were addressed to Maulana Muhammad Hasan. They were written on yellow silk and were sent with a covering note by Obeidulla to Sheikh Abdur Rahim of Hyderabad, Sind, with a request to convey them to Maulana Muhammad Hasan in Mecca, either through a trustworthy messenger or by himself in person.

"Muhammad Mian's letter mentioned the previous arrival of the German and Turkish missions, the return of the Germans,² the staying on of the Turks, 'but without work', the runaway students, the circulation of the 'Ghalibnama', the 'Provisional Government', and the projected formation of an 'Army of God'. This army was to draw recruits from India and to bring about an alliance among Islamic rulers. Muhammad Hasan was to convey all these particulars to the Ottoman Government. Obeidulla's letter contained a tabular statement of the 'Army of God.' Its headquarters were to be at Medina, and Mahmud Hasan himself was to be General-in-Chief. Secondary headquarters under local generals were to be established at Constantinople, Teheran and Kabul. The General at Kabul was to be Obeidulla himself. The table contains the names of three patrons, 12 field marshals and many other high military officers. Of the Lahore students,

¹ Indian Sedition Committee Report, 1918, page 178.

² The Germans of the Mission had left early in 1916, finding it useless to stay any longer at Kabul.

one was to be a major-general, one a colonel, and six lieutenant-colonels".¹

Among the *Muhajrin* students who had reached Kabul were two sons of a Khan, who was a friend of the Lieutenant Governor of the Punjab. The Khan tried (unsuccessfully) through Sir Michael O'Dwyer to arrange for the return of his sons—who sent him messages through a family servant who had gone with them to Kabul. The "Silk Letters" were sent to India through this servant. They were sewn up inside the lining of his coat which he left in an Indian State, before going to see the Khan. But the Khan smelled a rat and forced a confession out of the servant by use of threats. The coat was at last produced and the Khan cut out the "silk letters" and handed them over to the Commissioner of his Division, who sent them to the Lieutenant-Governor.²

Thus was discovered the "Silk Letter" Conspiracy by the Punjab Government which took precautionary measures to prevent its materialisation.

¹ Indian Sedition Committee Report, 1918, page 178.

² O'Dwyer: India as I knew it, page 178.

CHAPTER XXV.

CONSTITUTIONAL AGITATION.

I.

The twin policy of Repression and Reforms followed by Lord Minto's Government had succeeded in killing life in India for the time being. In Bengal, where agitation was most intense and where repression was also at its height, the popular movement had been driven underground and had resulted in producing a heavy crop of revolutionary crime. Elsewhere the nationalist organisations had withered away for lack of proper inspiration. The long imprisonment of Mr. Tilak at Mandalay and the voluntary exile of Babu Arabindo Ghose had deprived "the extremists" of effective leadership. The Moderates and the Moslems were busy working the Morley-Minto Reforms and except for passing the usual resolutions for the redress of certain, long-standing grievances at the annual sessions of the Moderate National Congress and the Communalist Moslem League, showed no signs of public activity. Political life in India was thus at a standstill for sometime after the passing of the Indian Councils Act, 1909.

The first signs of revival were shown by the Moslem community. A new generation of educated Mohammedans was growing up in the country. The working of the reformed Councils was beginning to demonstrate the community of interests between the different communities and the essential unity of all Indians. And above all the nationalist movements in Islamic countries, especially in Turkey and Persia, were infusing a more national spirit in the minds of the Moslem youth in the country. At the same time other causes were at work in weening away Indian Moslems from the side of the British Bureaucracy. The policy followed by Great Britain towards Turkey during the Tripoli and the Balkan

Wars showed the British in their true colours and demonstrated to Indian Mussulmans the hollowness and insincerity of British professions of friendship. On the other hand Moslem hearts were touched by expressions of brotherly sympathy contained in the Indian Nationalist Press for them in their grief over the treatment meted out to Turkey by the European Nations. Gradually the Indian Moslems began to realise that their natural allies were their own countrymen of the other communities and not the foreigners in the Bureaucracy—though at times they might befriend them to serve their own selfish ends—and they began to take steps to affect *rapprochement* with them. The first real steps were taken in this direction in 1913. The earlier attempts made by Sir William Wedderburn as President of the Indian National Congress, at the beginning of 1911, to bring about communal and political unity, was premature and ended in a failure.¹

The year 1913 is important in the history of the Indian National Movement because in that year the first effective steps were taken to bring the two great communities into line with each other. In 1912 the younger leaders of the Moslem community called a Conference in Calcutta to consider the question of remodelling the constitution of the All-India Moslem League "on more progressive and patriotic lines." It was felt that the ideal of the League was narrow and not in keeping with the spirit of the times. Mr. Syed Wazir Hassan, the Secretary of the League, was asked to undertake an intensive tour with a view to determine Moslem opinion on the proposed changes. In December 1912, a meeting of the Council of the Moslem League was held at Calcutta under the presidency of the Agha Khan to hear the report of the Secretary and to consider the actual changes.

¹ A Conference of representative Indians of the two communities was called by Sir William Wedderburn on the New Year's Day of 1911 at Allahabad. Among those who attended were H. H. The Agha Khan, Mr. (afterwards, Sir) Surendranath Bannerji, Pandit Madan Mohan Malaviya, Sir Ibrahim Rahimatoola, Nawab Vikar-ul-Mulk, and Messrs. Hassan Imam, Mazrul-Huq, and Jinnah. A list of important differences between the two communities was drawn up and a committee was appointed to suggest methods of composing them.

Among the persons present was Mr. Jinnah, who, as a staunch Congressman, had refrained from joining the purely communal organisation, but who, in view of the nature of the changes proposed, was specially invited to attend. All the progressive leaders of the community like Sir Ibrahim Rahimatoola, Maulana Mohammad Ali, Messrs. Mazarul-Haque, Hassan Imam, Mohammad Shafi, Wazir Hassan, and Jinnah were in favour of bringing the ideal of the League in line with the national ideal embodied in the Congress creed.¹ A new constitution was drafted by the Council of the League assembled at Calcutta on more nationalistic lines which was enthusiastically adopted at the annual session of the All-India Moslem League, presided over by Sir Rahimatoola and held at Lucknow on March 22nd, 1913.

The new constitution defined the objects of the League as follows:—“(a) to maintain and promote among the people of this country feelings of loyalty towards the British Crown ; (b) to protect and advance the political and other rights and interests of the Indian Mussulmans ; (c) to promote friendship and union between the Mussulmans and other communities of India ; (d) without detriment to the foregoing objects, attainment, under the aegis of the British Crown, of a system of self-government suitable to India, through constitutional means, by bringing about, amongst others, a steady reform of the existing system of administration, by promoting national unity, by fostering public spirit among the people of India and by co-operating with other communities for the said purpose.”²

The new constitution transformed the Moslem League from a purely communal organisation to a national institution, working for the same object as the Indian National Congress, i.e., the attainment of self-government within the Empire and national unity. The change in the ideal of the League paved the way for communal unity and common action—which were both achieved in 1916.

¹ On the other hand the changes were opposed strongly by the older men in the League.

² Indian Year Book, 1914, page 476.

The amendment in the constitution of the Moslem League was welcomed by the Indian National Congress, which met in December 1913 at Karachi, and which was presided over by Nawab Syed Mohammad Bahadur—who was specially selected that year to mark the appreciation of the Congress for the courageous and patriotic move made by the younger leaders of the Moslem community towards national unity. A special resolution was passed by the Congress appreciating warmly the adoption of the ideal of self-government within the British Empire and the policy of co-operation between the various communities by the Moslem League, and expressing the hope “that the leaders of the different communities will make every endeavour to find a *modus operandi* for joint and concerted action on all questions of national good.”¹

The second step towards national unity and communal co-operation was taken by Mr. Jinnah and his associates by inviting the All-India Moslem League to hold its annual sessions in the Christmas week at the same place as the National Congress. This was done for the first time in Bombay in December 1915. The Bombay Session of the League was attended by the leaders of the Congress who were accorded a warm reception and a great ovation when they entered the hall in a body. It was resolved both by the League and the Congress to co-operate together in formulating a common scheme of post-war reforms and in pressing for its adoption by the Government. Committees were appointed by the two foremost political organisations in the country for this purpose. They met at Calcutta and finally at Lucknow in December 1916, where the sessions of the Congress and the League were also held shortly afterwards. A joint scheme of reforms was formulated and the Hindu-Moslem question was settled by agreeing to a scheme of special representation for the Moslems in the various legislatures in India much in excess of their numbers in places where they were in a minority. This scheme was enthusiastically approved by both the National Congress and the Moslem League at their annual sessions in December

¹ The scheme is described and discussed in detail in Chapter XXVI.

1916 at Lucknow and came to be known as "*The Congress-League Scheme*." Unity of action was thus secured between the two great communities of India and between the two great political organisations, which between them—especially after the Moderate-Extremist reunion in 1916—represented the whole of the politically-conscious British India.

II.

The Indian National Congress had become a purely moderate organisation after the Surat Split in 1907 and as a consequence it had no doubt suffered in prestige in the opinion of the people in the country. But the organisation had indeed shown a remarkable vitality and recuperative capacity and, in the course of the next few years, it had managed to recover almost all the lost ground, and, by the end of 1914, it had regained its influence and primacy in the political life of the nation. This was due to several causes, but above all to the fact that there was no rival organisation founded by the Extremists who had become utterly disorganised under the repressive policy of the Government. Under the circumstances whatever political life of the nationalistic variety existed in the country was crystalized round the Congress and was represented by it. The Indian National Congress—with a new constitution carefully defining the objects and requiring strict adherence to the agreed rules of transacting business—continued to meet annually, from 1908 onwards, in some important city and to agitate for the redress of the national grievances and for the removal of disabilities that still existed on Indians at home and in the colonies. And, what was perhaps more important, it continued to attract to its sessions the best men in the public life of the nation—men like Pherozeshah Mehta, Gopal Krishna Gokhale, Surendranath Bannerjee, D.E. Wacha, Madan Mohan Malaviya, Lajpat Rai, Satyendra Sinha, Bhupendranath Basu, Ambika Charan Mazumdar, Krishna-swamy Iyer, N. Suba Rao, Sankaran Nair, Mohammad Ali Jinnah, Mazrul-Haq, A. Rasul, Hasan Imam, Syed Mohammad, Moti Lal Nehru, Srinivas Sastri, C. Y. Chintamani, Sachidanand

Sinha, Tej Bahadur Sapru, Bishan Narain Dhar, Harkishan Lal, Gokaran Nath Misra and, last but not the least, Mrs. Annie Besant, the President of the Theosophical Society and a great religious, social and educational leader in India. Till 1914 Mrs. Besant was occupied with the work of religious, educational and social regeneration of the people of India, her adopted motherland ; but, in the year of the beginning of the Great War, she decided to enter the political field and for the first time attended the session of the Indian National Congress at Madras in December 1914—and, as was to be expected, at once came to the fore-front of the Congress platform. During the next four years she played a leading part in the Councils of the Congress—occupying the Presidential Chair in December 1917—and in the political life of British India. The credit of arousing the Indian people from political torpor and of organising them for political action belongs to her and is only shared with Lokamanya Tilak. And it was also Mrs. Besant who was largely responsible for the re-entry of the Extremists, Mr. Tilak and his followers, into the Congress and the reunion of the Moderates and the Extremists at Lucknow in 1916.

III.

The Indian National Congress was under the sole control of the Moderates for full nine years, from the date of the Surat Split to the time of the Lucknow reunion, i.e., from the beginning of 1908 to the end of 1916. During this period the chief subjects that engaged its attention were :—the improvement in the Council Regulations ; the creation of Executive Councils in the U. P. and the Punjab ; the prevention of the extension of communal representation to local bodies ; the abolition of the India Council ; the repeal of the Press Act ; the larger employment of Indian in the Public Services, especially in the higher ranks ; the removal of disabilities in respect of the right to bear arms and the grant of Army Commissions, the abolition of the system of indentured labour and the removal of intolerable restrictions and humiliating conditions imposed on Indians in South Africa. On all these questions the

Congress voiced the views of all Indian nationalists but usually no sustained agitation was undertaken to ensure success. The only other action that was taken by the Congress beyond the passing of resolutions at the annual sessions was the sending of a small deputation to England in 1914, consisting of Messrs. Bhupendra Nath Basu, M.A. Jinnah, N. M. Samarath, S. Sinha, Mazarul-Haq, the Hon'ble Mr. B. N. Sarma and Lala Lajpat Rai. The deputation was sent to educate public opinion in England on the subject of Indian grievances and disabilities especially on the position of Indians in South Africa and on the demand for the abolition or radical reform of the India Council. It may also be mentioned that in addition several of the individual Congressmen who were members of the Imperial Legislative Council voiced the grievances of the people in India and abroad by means of resolutions and questions in the Council. The net result of the Congress action may be summarised as follows :—

By the end of 1916 the Congress was unable to secure any material improvement in the condition of Indians—the Council Regulations remained unchanged ; the United Provinces and the Punjab were still without Executive Councils ; the principle of communal representation had been extended to municipal bodies at least in one province ;¹ the India Council was still alive and active ; the Press Act continued to disfigure the statute book and to inflict heavy injuries on the nationalist section of the Press ; the Report of the Public Services Commission was still withheld from publication ; the Arms Act remained unchanged on the Statute Book ; and the King's Commissions were still denied to Indians. The only Indian demand that was accepted by one of His Majesty's Principal Secretary of State was the abolition of the hated system of indentured labour which was exported to the British Crown Colonies. As the subject is important and is connected with the general question of the position of Indians in the Colonies, a brief reference to it has been made in a

¹ In 1916, the United Provinces Municipalities Act was passed, which made provision for the separate representation of Moslems on the Municipal Boards.

succeeding section. However, to complete the credit side of the Congress balance-sheet it should be pointed out that the greatest achievement of the Congress during the period 1908—1916 was the bringing about of national unity and the formulation of a joint scheme of political reforms acceptable to the whole country. It may appear uncharitable to point out that communal unity in 1916 was secured only at the sacrifice of an essential principle of national and democratic life but it must be done in the interest of scientific accuracy. The Congress had consistently opposed the creation of separate electorates for the Mussalmans though it had fully recognised the necessity of providing a fair and adequate representation for them and for other communities where they were in a minority. Separate electorates were rightly regarded by congressmen as injurious to the national life of the country and were justly condemned as anti-national and anti-democratic. But in 1916, the Congress, in order to secure unity of action,¹ agreed to the system of communal representation and the principle of weightage and also of communal veto in legislation. All the three concessions were wrong in principle and were opposed to the life-long convictions of many of the Congressmen and they formed decidedly the most objectionable feature of the Congress-League Scheme. And yet while the whole constitutional portion of the Scheme was rejected by the Government the communal agreement contained in it was accepted and was made a part and parcel of the Reforms of 1919. Such is the irony of fate !

However, to be fair to the Congressmen of 1916, it should be added that they regarded the concessions in their very nature to be temporary and that they were somehow persuaded to believe that in a very short period the system of separate electorates would cease to exist and yield place to

¹ Many of the Congressmen were fully conscious of the evil effects of communal electorates; they looked upon them as the price that had to be paid to secure union for winning *Swaraj*. Unity was indispensable. The British were adopting all manner of means to divide the people. They must not lag behind and should secure unity at all costs. After *Swaraj* when there is no third party to divide them and the spirit of co-operation had fully developed, communalism was sure to die a natural death.

a really national and democratic system of representation. Such an expectation, it need hardly be pointed out today, was most unnatural, as the subsequent events have too clearly demonstrated as to how the pact of 1916 has led to the extension of the system of communal representation and as to how it threatens today to destroy the whole fabric of national life in the country.

IV

During the period under review, the subject that aroused the strongest feelings of discontent and indignation and also of abject humiliation was the treatment that was meted out to Indians in South Africa and in the other British Colonies. In an earlier chapter I have described the condition of Indians in South Africa and as to how Mr. Gandhi was forced to start *Satyagraha* against the Asiatic Registration Act passed by the Transvaal Parliament in March 1907.¹ Mr. Gandhi and his followers were sent to jail as a result of their refusal to submit to the insulting provisions of the Act. When about 150 men had gone to jail negotiations were started by the Government for a compromise through Mr. Albert Cartwright of *The Transvaal Leader*. An agreement was reached between Mr. Gandhi and General Smuts according to which Indians were to register voluntarily and the Government was to repeal the "Black" Act. In an interview General Smuts assured Mr. Gandhi on his own behalf and on behalf of General Botha "that I will repeal the Asiatic Act as soon as most of you have undergone voluntary registration."² But when Mr. Gandhi had carried out his side of the Agreement—with opposition from some of his followers and at the risk of his life³—General Smuts refused to repeal the "Black" Act and contented himself merely to validating the voluntary registra-

¹ See Section IX, Chapter XV, *supra*.

² Gandhi: *Satyagraha in South Africa*, page 242.

³ On his way to the Registration Office Mr. Gandhi was assaulted and seriously injured by a Pathan named Mir Alam and his associates. Mr. Gandhi fell down and became unconscious and had to lie in bed for over a week in the house of the Rev. Mr. Doke, a Baptist Clergyman and an admirer of Mr. Gandhi.

tion of Indians. In the meantime another Act (Act No. 15 of 1907)—called the Transvaal Immigration Restriction Act, “preventing the entry of a single Indian new comer”, had been passed by the Transvaal Parliament. Under the circumstances, there was no recourse but to resume the *Satyagraha*—which was now directed against both the Asiatic Registration Act and the Immigration Restriction Act. An “ultimatum” was sent to General Smuts “that if the Asiatic Act is not repealed in terms of the settlement, and if Government’s decision to that effect is not communicated to the Indians before a specific date, the certificates (of registration) collected by the Indians would be burnt and they would humbly but firmly take the consequences.”¹ On the 16th August, 1908, the collected certificates—over 2,000 of them—were burnt amidst deafening cheers in a public meeting of Indians at Johannesburg and the *Satyagraha* was restarted. A large number of men went to jail—a number of them were deported to India. Men in jails were subjected to all sorts of hardships—one of them succumbed to the rigours of cold and died of pneumonia. In one jail the *Satyagrahis* were forced to go on hunger strike. The deputation of Mr. Gandhi and Seth Haji Habib to England returned empty handed. Mr. Gandhi started the Tolstoy Farm on the property of Mr. Kallenbach for the families of jail-going *Satyagrahis*. And the struggle continued. Stray *Satyagrahis* now and then went to jail.

The resumption of the *Satyagraha* in South Africa in 1908 stirred up the feelings of the people in India. Meetings were held in all parts of the country. Subscriptions were raised and money was sent to South Africa for the continuance of the struggle. In February 1910, Mr. Gokhale moved a resolution in the Imperial Legislative Council recommending the grant of powers to the Governor-General in Council to prohibit the recruitment of indentured labour in British India for the colony of Natal.” The object was to bring pressure on the Union Government in South Africa to improve

¹ Gandhi : *Satyagraha in South Africa*, page 306.

the condition of Indians in the Colony. The Government accepted the resolution and prohibited all recruitment of indentured labour for Natal without producing the desired result. Mr. Gokhale asked the help of the Secretary of State for India to go to South Africa to study conditions on the spot. He toured the various parts of South Africa in company with Mr. Gandhi in October and November 1912. He had a long discussion with the Union Ministry and left South Africa on November 17, 1912, after obtaining a promise from General Botha "that the Black Act would be repealed and the £3 tax abolished."¹

The £3 tax was a poll tax paid by Indians in Natal since 1895. Although the people had gradually become accustomed to it, it was nevertheless burdensome and humiliating. After the departure of Mr. Gokhale, the Union Ministry again committed a breach of faith. General Smuts refused to introduce the necessary legislation in the Union Parliament to repeal the £3 tax on the plea that the Natal members were opposed to it. There was no recourse but to add the repeal of the £3 tax to the programme of *Satyagraha*.

But, by this time, the little band of *Satyagrahis* had become almost exhausted. There was no necessity of running the Tolstoy Farm any longer which was therefore closed. The Phoenix Ashram was made the sole base of operations and it was decided to conduct the struggle from there. Writes Mr. Gandhi:—"While preparations were still being made for resuming the struggle, a fresh grievance came into being, which afforded an opportunity even to women to do their bit in the struggle."²

On March 14, 1913, Mr. Justice Searle of the Cape Supreme Court delivered a judgment declaring all marriages, not solemnised in the Christian fashion and not duly registered by the Registrar of Marriages, as invalid. This meant that the vast majority of Indian marriages were invalid. Mr. Gandhi at once requested the Union Government to pass

¹ Gandhi: *Satyagraha* in South Africa, page 408.

² *Ibid*, page 418.

special legislation to cover the case of Indians ; but the Government refused the request. It was therefore decided to resume *Satyagraha* on this issue and to invite the help of the women as well, as the new position was specially insulting to them. The first batch containing women which was arrested was of the 16 residents of the Phoenix Ashram. It contained four women with Mrs. Kasturbai Gandhi at their head. They were all sentenced to three months' imprisonment with hard labour. The next batch to be similarly sentenced was of eleven women who had resided in the 1908-09 struggle at the Tolstoy Farm. They had crossed over to Natal and had gone to arouse their brethren at the Newcastle mines. The workers at the mines, some 6,000 of them responded to the call of duty and went on a strike. After the arrest of the eleven women Mr. Gandhi reached Newcastle and assumed the leadership of the strikers.

The strikers were harshly treated by the miners. They were deprived of their lodgings and had to camp in the open with small beddings and their women and children. Their enthusiasm was however fired by the imprisonment of the women of the Tolstoy Farm and they refused to go back to the mines. Mr. Gandhi decided to march with them to the border of Transvaal and offer *Satyagraha* for the redress of Indian grievances.

The historic march of "the Army of Peace" from Newcastle to the border of Transvaal, with Tolstoy Farm as the objective, if the strikers were not arrested at the border, was begun on the 28th October, 1913, with 2,037 men, 127 women and 57 children. Mr. Gandhi was arrested three times on the way—twice he was released on bail, but the third time he was taken to Durban for trial and sentenced to nine months' rigorous imprisonment. On the 10th November, the strikers were also arrested and were sent back in three special trains to Newcastle, where they were prosecuted and sent to jail. But instead of putting them in ordinary jails they were surrounded with wire-netting in the compounds of the mines with the miners' European staff as the Warders. The

strikers were to be forced to work in the mines. Writes Mr. Gandhi, "The labourers were brave men, and they flatly declined to work on the mines with the result that they were brutally whipped. The insolent men dressed in a brief authority over them kicked and abused them and heaped upon them other wrongs which have never been placed on record. But the poor labourers patiently put up with all their tribulations."¹ Indian labourers in other parts of South Africa struck in sympathy with their brethren of the Newcastle. In several places there was firing and a number of Indian workers were killed. More women offered *Satyagraha* and were arrested and sentenced. They were treated with callousness and one of them, a girl of 16, Valiamma Mudaliar, died soon after her release as the result of fever contracted in jail. The whole Indian community in South Africa rose up like one man to combat the organised tyranny of the race-conscious, arrogant Europeans.

The brave stand made by the small Indian community against the cruel and unjust government in South Africa extorted admiration from one and all in India. Crowded meetings were held all over India to protest against the inhuman treatment meted out to their compatriots in South Africa. The hearts of the people went out in sympathy with their suffering brethren. Subscriptions were raised all over India to which Princes and the poor subscribed with enthusiasm for the help of the *Satyagrahis*. Lord Hardinge took the unusual step of associating himself and his Government with the Indian people in their distress and sympathy for the *Satyagrahis*. In a speech at Madras in reply to the addresses of the Mahajan Sabha and Madras Provincial Conference Committee on November 24, 1913, Lord Hardinge, after describing the action taken by the Government, said:—"Recently your compatriots in South Africa have taken matters into their own hands by organising what is called passive resistance to laws which they consider invidious and unjust—an opinion which we who watch their struggle from afar cannot but share.

¹ Gandhi: *Satyagraha in South Africa*, page 476.

They have violated as they intend to violate those laws with full knowledge of the penalties involved and ready with all courage and patience to endure those penalties. In all this they have the sympathy of India deep and burning and not only of India but of all those who like myself without being Indians themselves have feelings of sympathy for the people of this country.”¹ He ended by demanding an impartial enquiry into the allegations of labourers and inhuman treatment meted out to the *Satyagrahis*, men and women, by a committee “upon which Indian interests shall be fully represented.” In the meantime, Mr. Gokhale, who had kept in touch with the day to day happenings in South Africa by cable, asked Messrs. Andrews and Pearson to go to the spot to render all possible help to the Indians in Natal and Transvaal. The Government of India sent Sir Benjamin Robertson to secure redress of Indian grievances. The South African Government appointed a committee of enquiry but, as its constitution was considered unsatisfactory, the *Satyagrahis* refused to give evidence before it. A provisional agreement was drawn up between the Government and Mr. Gandhi—Gandhi-Smuts Agreement of 1913—which was carried out largely by the passing of the Indians Relief Act of 1914. The Act abolished the hated £3 poll tax, validated Indian marriages with the proviso that only one wife and her progeny were to be regarded as legal; and recognised the domicile certificates “as conclusive evidence of the right of the holder to enter the Union as soon as his identity was established”.² Other matters were settled by correspondence between Mr. Gandhi and General Smuts. “The passing of the Indians Relief Bill and this correspondence”, wrote Mr. Gandhi in his last letter to General Smuts, finally closed the Satyagraha struggle which commenced in the September of 1906 and which to the Indian community cost much physical suffering and pecuniary loss and to the Government much anxious thought and consideration”.³

1 Modern Review, December 1913, page 638.

2 Gandhi : *Satyagraha* in South Africa, page 505.

3 *Ibid*, page 506.

While *Satyagraha* was going on in South Africa a deputation from Canada, consisting of Messrs. Nand Singh, Narain Singh and Balwant Singh, was touring in India voicing the sufferings and grievances of Indians in Canada. Reference has already been made to the position of Indians in Canada and to the attempt made by Baba Gurdit Singh to circumvent the Canadian immigration laws.¹ The story of the *Komagata Maru* voyages and of the unfortunate Budge-Budge riot has also been related above.¹ It only remains to state that the whole question of the position of Indians in the Self-Governing Colonies was raised by the Indian delegation at the Imperial War Conference of 1917. An able memorandum was submitted on the subject by Sir (later Lord) Sinha to the Conference. A full and frank discussion resulted in the enunciation of the principle of reciprocity. Next year a comprehensive resolution was passed on the subject by the Imperial War Conference recognising the right of each unit to regulate the composition of its population but admitting citizens of other British countries, including India, "for the purposes of pleasure or commerce, including temporary residence for purposes of education", though not for purposes of labour or of permanent settlement. The resolution of 1918, lastly laid down:—"Indians already permanently domiciled in the other British countries should be allowed to bring their wives and minor children on condition (a) that not more than one wife and her children shall be admitted for each said Indian, and (b) that each individual so admitted shall be certified by the Government of India as being the lawful wife or child of such Indian".²

The problem of Indians in the self-governing colonies was thus settled provisionally by the Resolution of 1918. The settlement was, however, in spite of appearances, one sided and disadvantageous to India. The right to settle in the unoccupied or thinly peopled areas in the dominions or to go there in search of employment for which Indians had been

¹ See Section IX of Chapter XXIV, *supra*.

² Resolution of the Imperial War Conference of 1918, quoted by "Emigrant" in "Indian Emigration," page 35.

fighting and making sacrifices for many a long year was at one stroke taken away from them for ever ; and in return the Government of India was given the corresponding right of preventing colonial immigration into India—a right, which need hardly be stated, was of absolutely no use to Indians. All the same there was a decided improvement in the position of Indians that had already settled in the self-governing colonies as a result of the passing of the Resolution of 1918.

V

During the War the question of Indian emigration to the Crown Colonies also assumed great importance. People in India were shocked to learn of the horrible conditions of immorality and criminality in which Indian indentured labourers were living in the Crown Colonies and they made up their mind to end the shameful system altogether. They carried on a sustained agitation on the question both through the Press and the Congress platform and also from the floor of the Imperial Legislative Council—until the Government of India decided to abolish the system of indentured emigration from British India.

The system of exporting labour from India on the indentured basis had come into existence as a result of the abolition of slavery in 1833. The planters in the British Crown Colonies, who were using till then slave labour, after trying various expedients, at last hit upon the indentured system as a good substitute for slavery. They employed recruiting agents in British India who went round the country in search of labourers who could be persuaded to go abroad and who would undertake to work there for a definite period—usually five years—and on fixed wages. During the period of the contract or the "indenture", the labourers were bound to work for their foreign employers and could not leave them however hard and unsatisfactory the conditions of life and work might prove to be. But, after the expiry of the contracted period, the labourers had the option:—either to return to India free of cost, or to renew the indenture for a further term of five or

three years, or to settle in the Colony as free inhabitants with the full freedom of choosing their occupation or vocation.

A regular stream of labourers left Indian shores every year on these terms for the British Crown Colonies. A large number of them elected to settle in the Colonies after they had served their period of indenture. Comparatively smaller number decided to return to the homes of their forefathers. When a sufficient number of Indian labourers had settled down in a Colony, Indian merchants and professional men also went to the Colony for settlement. Thus in the various colonies there grew up centres of Indian population. The approximate number of Indians in the various colonies at the time the indentured system was abolished is given in a footnote below.¹

From the beginning it was clear that the system of indentured emigration—in spite of offering opportunities of monetary gain—was undesirable. The methods employed for recruitment were high handed and fraudulent. In several cases cruel deception was practised on ignorant and innocent persons. Married women were enticed away ; the only sons of old parents were lured away ; relations separated at crowded railway stations or at places of pilgrimage were spirited away ; persons going from one village to another were way-laid and carried off to the far off recruitment depots.² The signatures on the agreement forms were obtained by using all sorts of unfair means. The would-be emigrants were given no clear or accurate idea of the conditions in which they were to travel to the Colonies or in which they were to live and work when they reached there. No mention was made of the heavy penalties—fines, floggings and imprisonments—under which the system was worked in the colonies. The whole thing was

¹ The number of British Indian subjects in the various Colonies was as follows :—Trinidad, 117,100; British Guiana, 129,389; Jamaica, 20,000; Fiji, 44,220; Surinam, 26,919; Mauritius, 257,697; Federated Malay States, 210,000; Natal, 133,031; Transvaal, 10,048; Cape Colony, 6,606. There were some in Straits Settlement, Reunion, Orange Free State, Southern Rhodesia, etc., but reliable figures are not available. Indian Year Book, 1918, page 525.

² For a description of the fraudulent practices and evils of the recruitment system see the Report of Messrs. Andrews and Pearson on Indentured Labour in Fiji.

based on fraud and deception.¹ The Government of India no doubt tried to mitigate the conditions by laying down safeguarding provisions² in regard to recruitment; but, as was pointed out by Pandit M. M. Malaviya in the Imperial Legislative Council on March 20, 1916, they were easily evaded by the unscrupulous recruiting agents under the lure of heavy fees.³ The conditions during the voyages were horrible. Too many persons were herded together under hopelessly insanitary conditions with unsatisfactory arrangements for food and sleep. The inevitable result was terrible sickness and heavy mortality. But bad as the conditions were during recruitment and the voyage they were much worse in the Colonies. Labourers in some instances went mad and in several others committed suicide—"The rate of suicide during 1908-1912 among the indentured Indians stood at the appallingly high figure of 926 per million"⁴ in Fiji—while many others lived immoral and sinful lives.⁵

As the people in India came to know of the conditions in which their brethren were living in the Colonies they began to agitate for the abolition of the hateful system of indentured emigration. Speeches were delivered and resolutions passed at the annual sessions of the Indian National Congress. Sustained propaganda was carried on in the Press and the elected representatives of the people took up the question in right earnest in the Imperial Legislature. Reference has already been made to the resolution introduced by Mr. Gokhale

¹ The system was described by Mr. Gokhale in 1912 as "a monstrous system, iniquitous in itself, based on fraud and maintained by force etc." Speeches of Gokhale, page 520.

² For a brief history of the legislation in this connection see "Indian Emigrant" by an "Emigrant," pages 15 to 25.

³ In the western districts of the U. P., the fee for obtaining a recruit was Rs. 45 in the case of men and Rs. 55 in the case of women. See Proceedings of the Imperial Legislative Council, Vol. LIV, page 400.

⁴ *Ibid*, page 404.

⁵ The conditions in Fiji are thus described by Messrs. Andrews & Pearson:—"We cannot forget our first sight of the Coolie lines in Fiji. The look on the faces of the men and the women alike told one unmistakable tale of vice There seemed to be some new and undefinable factor some strange unaccountable epidemic of vice. The sanctity of the marriage tie is utterly disregarded and bestiality reigns supreme. Women exchange their husbands as often as they like, and girls are practically bought and sold. . . ." *Ibid*, page 404.

and passed by the Imperial Legislative Council in 1910, empowering the Government to prohibit indentured emigration to Natal. On March 4th, 1912, Mr. Gokhale moved a more comprehensive resolution in the Imperial Legislative Council recommending the total prohibition of recruitment of indentured labourers in India. Every one of the Indian members present—22 in all—supported the resolution ; but the official majority voted it down and the resolution was lost. The Government took its stand on the recommendations of the Sanderson Committee (1909), which had been appointed by the British Government in England to investigate the conditions in the Crown Colonies. The Committee was of opinion that the indenture system was profitable to the emigrants and that whatever abuses existed were capable of remedy. However, to satisfy Indian opinion the Government deputed Mr. Mc Neil and Mr. Chiman Lal to visit the four Colonies—Jamaica, Trinidad, British Guiana and Fiji—, to which indentured emigration was still permitted, and to report on the conditions prevailing there. Their report revealed the existence of shameful conditions in the coolie lines in the various colonies but they were of opinion that "the great majority of the emigrants exchanged grinding poverty with practically no hope of betterment for a condition ranging from simple but secure comfort to solid prosperity."¹ The people in India did not agree with the main recommendation of Messrs. Mc Neil and Chiman Lal for the continuation of the indenture system. They attached more importance to the facts and figures given in the Report which were stated with more graphic detail and emphasis by Messrs. Andrews and Pearson in their Report on Indentured Labour in Fiji, which was also issued about the same time. The Government of India realised that Indian opinion would no longer tolerate the vicious system in spite of its supposed economic advantages and they recommended its total abolition to the Secretary of State in 1915. On the 20th March, 1916, Pandit Madan Mohan Malaviya moved a resolution in the Imperial Legislative Council

¹ "Indian Emigration," page 28.

recommending the abolition of the system altogether. Pandit Malaviya traced the whole history of the question, gave facts and figures about the moral and economic conditions of the labourers in the colonies, challenged the statement that their average savings were higher than those of labourers in India¹ and appealed to the Government to end the vicious system of which "we cannot think", he said, "without intense pain and humiliation of the blasted lives of its victims, of the anguish of soul to which our numerous brothers and sisters have been subjected to by this system."² Lord Hardinge accepted the resolution and announced the decision of the Secretary of State "to accept the policy of eventual abolition" but, that time must be given to the colonies to adjust themselves to the changed conditions and to the Secretary of State to work out the details of a system of free emigration in conjunction with the Colonial Office and the Crown Colonies concerned. In the meantime, however, recruitment of indentured labour was prohibited under the Defence of India Act, in 1916; and, before the temporary ban could be lifted, it was abolished altogether permanently. Thus ended the system which had come to be regarded by educated Indians—in the words of Lord Hardinge—"as a badge of helotry".³

VI

The abolition of indentured emigration removed one black spot from the fair face of Mother India. Another sore was healed about the same time by the reunion of the Moderates and the Extremists in the same national organisation—the Indian National Congress. Ever since the release of Mr. Tilak in June 1914 efforts were being made to close up the breach in the ranks of Indian Nationalists. The way was paved by the declaration of loyalty by Mr. Tilak at the outbreak of the War. Mr. Tilak denied all charges of having ever worked

¹ Writes the "Emigrant" in "Indian Emigration" :—"An analysis of prices of foodstuffs and the cost of living generally in India and the Colonies revealed the fact that the net earnings of the Coolies in Fiji were no higher than those of a labourer in East Bengal," pages 28 and 29.

² Proceedings of the Imperial Legislative Council, Vol. LIV, page 405.

³ *Ibid*, page 412.

"with the object of subverting British rule in India" and concluded by saying that "at such a crisis it is the duty of every Indian . . . to support and assist His Majesty's Government to the best of his ability."¹ Mrs. Besant thought the moment opportune for bringing together the two nationalist leaders of India—Mr. Tilak and Mr. Gokhale. She approached them both at the same time and started negotiations for a compromise. Mr. Tilak was willing to re-enter the Congress if the article XX of the Congress constitution was so amended as to enable nationalist organisations to send their own delegates to the Congress. Mr. Gokhale, Pandit Malaviya and a few other Moderate leaders had expressed their willingness already—as early as 1911—to make such a change. Mrs. Besant accompanied by Mr. Suba Rao, the General Secretary of the Congress, reached Poona early in December to effect the compromise. As a result of negotiations an agreed amendment to Article XX was drafted by Mr. Gokhale which was to be moved by Mrs. Besant at the Madras Congress at the end of the month. The chief difficulty was to obtain the consent of Sir Pherozeshah Mehta for which purpose Mr. Suba Rao was sent to Bombay.

Sir Pherozeshah Mehta and his friends were opposed to the re-entry of Mr. Tilak and his followers. They realised that differences between the two sections were real and permanent and they were afraid, that if the Article XX was amended as suggested, the Extremists would swamp the Moderates and the reins of the Congress would go to the hands of the Extremists at such a critical period in the history of India. Sir Pherozshah therefore refused his assent to the agreed amendment.

Mr. Suba Rao on his return from Bombay again saw Mr. Tilak at Poona to discuss the question of policy. Mr. Tilak frankly told him that he believed in "constitutional opposition" rather than in political "co-operation" and that it would be better to ask for one single concession—the grant

¹ Athalye : Lokamanya Tilak, page 216.

of self-government—than to plead for the redress of various grievances and disabilities. As a result of the refusal of Sir Pherozeshah and the frank avowal of faith by Mr. Tilak, Mr. Gokhale withdrew his support from the amendment of Mrs. Besant and wrote to the President-elect to that effect. In spite, however, of the failure of negotiations Mrs. Besant moved her amendment at the Madras Congress, which was referred "to a Committee consisting of three members, to be nominated by each Provincial Congress Committee, with the General Secretaries as ex-officio members"¹ for report.

Sir Pherozeshah arranged to have the next session of the Congress at Bombay. As his biographer points out:—"He was anxious to put an end once for all to the manoeuvres to effect a compromise which he regarded as mischievous, and he was confident that his personality and his immense influence in Bombay would carry everything before him."² At this period particularly Sir Pherozeshah wished to retain the leadership and control of the Congress in safe and firm hands—and in spite of the wish expressed publicly by several nationalists to have Lala Lajpat Rai in the chair—offered the Presidentship of the 1915 Congress to Sir Satyendra Sinha—"whose political record was insignificant"—and forced him to accept it against his own judgment. It was, therefore, understood that the Bombay Congress would refuse to make the necessary changes to Article XX and that the Extremists would be forced to start their own separate organisation, if they so wished. But a few weeks before the Congress Session Sir Pherozeshah died. Mr. Gokhale had passed away a few months earlier. Mrs. Besant had utilised the whole year in creating an overwhelming opinion in the country in favour of the reunion. And thus when the Congress actually met at Bombay in X'mas 1915 the amendment to Article XX was easily carried. "Public meetings convened under the auspices of any association which is of not less than two years standing

¹ Resolution XXI of the 1914 Congress, see Besant: *How India Wrought for Freedom*, page 590.

² Mody: *Sir Pheroze Shah Mehta*, Vol. II, page 658.

on 31st December 1915 and which has for one of its objects, the attainment of self-government by India on colonial lines within the British Empire by constitutional means"¹ were allowed to elect delegates to the Congress. Thus the Extremists were enabled to re-enter the Congress and they mustered strong at the next Congress Session at Lucknow in Xmas 1916,² where Mr. Tilak received a rousing reception, a thundering ovation and a most enthusiastic welcome.

VII

Political agitation reached the highest point in India in the year 1917. Ground for it had been carefully prepared by Mrs. Besant and Mr. Tilak during the previous three or four years.

As stated at the beginning of this Chapter, the twin policy of repression and reform had deadened political life in the country. It began to revive gradually in the natural course of things ; but a great fillip was given to it by the happenings in South Africa under the inspiring leadership of Mr. Gandhi. The insults offered to Indians in South Africa and in other British Colonies awakened the people to their true position in the Empire. And the conviction leapt into their consciousness that not until they became masters in their own home they could expect to receive better treatment abroad—that self-government alone could raise their status. This was pointed out in very clear words by Mr. Dadabhai Naoroji from the Presidential Chair of the Calcutta Congress in 1906³ ; but Swaraj was then regarded, even by the Extremist leaders,⁴ as a distant goal. The outbreak of the Great European War, however, changed the whole situation and what was looked upon as a far-off ideal became practical in the near future.

¹ Athalye : Lokamanya Tilak, page 222.

² The "India" of 1917-18—official yearly review of events in India—describes the Lucknow Congress as follows :—"When the Congress met, it was plain that Left Wing of the Nationalist Party, commonly called the Extremists, as represented by the followers of Mrs. Besant and Mr. Tilak, was in a distinct majority." Page 28.

³ See Section III of Chapter XVI, *supra*.

⁴ See page 323, *supra*.

Thus, it is true, that the War did not originate the demand for Home Rule¹ ; but it certainly did impart to it a new significance and a new urgency ; and, what is perhaps more important, it gave to it an air of reality which it had never possessed before. Indians had grown accustomed to foreign rule ; as a matter of fact, many of them were much more conscious of the benefits of English rule than of its harmful results. It was the War that taught them afresh the horrors and humiliations of foreign conquest and the real meaning and value of self-rule. What would happen if Germans conquered England ? And the picture which the English statesmen usually painted in reply was so terrible that no sacrifice was considered too great to prevent such a calamity from occurring. Secondly, the English statesmen, in order to arouse sympathy and support for the Allied cause, characterised the War as "a war to make the world safe for democracy". Every nation, large or small, was henceforth to possess the right of self-determination ; and no nation, however small or weak it may be, was to be forced to live under a form of government of which it did not approve. Indian leaders took these declarations at their face value and utilised them to push forward the cause of Indian self-government. An intensive propaganda for Home Rule was started by Mrs. Besant in the Madras Presidency and by Mr. Tilak in the Bombay Presidency and was carried on with great enthusiasm and consummate skill. Both these leaders were astute politicians—both of them were anxious to give all possible help for the prosecution of the War but both of them were of opinion that the War offered to India a God-sent opportunity to win freedom and they must on no account allow it to be lost. Whenever they or their followers were invited to War Conferences² they raised the question of self-government and equality

¹ This was pointed out by Mrs. Besant in reply to Anglo-Indian criticism that Indian leaders were taking advantage of the War to push forward their demand for Home Rule ; and that demand was altogether a new one. See pages 25 to 66, Annie Besant : *The Future of Indian Politics*.

² Mr. Tilak was invited to the Bombay War Conference but was stopped from speaking out his mind. Neither he nor Mrs. Besant were invited to the Delhi Conference. On the exclusion of Mr. Tilak, Mr. Montagu writes in his Diary :—"with regard to Tilak, if I were the Viceroy I would have had him at Delhi at all costs. He is at the moment probably

of status and linked it with the question of War help.¹ But the other Indian leaders were men of greater faith—they believed in rendering service immediately and in waiting patiently for the reward! Some of them realised later that their confidence was misplaced but then unfortunately it was too late to change.

Mrs. Besant joined the Indian National Congress early in 1914 in the hope of utilising its prestige and its organisation for carrying out the political part of her four-fold programme² for the regeneration of India. In 1914 she also started two newspapers with the same end in view—(1) *The Commonweal*, a weekly, on January 2nd, 1914; and (2) *New India*, a daily, on July 14th, 1914. In the first issue of the *Commonweal* she clearly stated her political goal:—"In *political reform* we aim at the building up of complete Self-Government from village councils, through District and Municipal Boards and Provincial Legislative Assemblies, to a National Parliament, equal in its powers to the legislative bodies of the Self-Governing Colonies, by whatever names they may be called; also at the direct representation of India in the Imperial Parliament, when that body shall contain representation of the Self-Governing States of the Empire."³ Mrs. Besant was a great believer in the value of intensive propaganda and organised agitation and very early she came to the conclusion that the Moderate Congress was too cautious and too hidebound to undertake the task of educating the masses. She therefore decided to start a new political organisation for the purpose, which would work

the most powerful man in India, and he has in his power, if he chooses, to help materially in War effort." page 373.

¹ Mr. Tilak and his associates were of opinion that it was not right to ask the people to fight if they were to be treated as mere hewers of wood and drawers of water. Indians must be given an equal position (to the British) in the Army, Defence Force and the Reserves. They must be entitled to King's Commissions and other high positions and they must be given a definite and clear assurance that they would return to a free country at the end of the War.

² She had approached Sir Pherozeshah and other Congress Leaders and had asked them to adopt her whole programme of religious, social, educational and political regeneration but they refused to touch religious and social question.

³ Besant: *The Future of Indian Politics*, page 53.

throughout the year and canvass support for the demand for immediate Home Rule. But before starting the Home Rule League Mrs. Besant readily agreed to give the Congress a fair chance to do the same work ; and, it was only after the stipulated period was over, that the Home Rule League was inaugurated in Madras in September 1916. Another Home Rule League had already been launched at Poona in April 1916 by Lokmanya Tilak and was carrying on propaganda in Maharashtra with the help of the two papers, the daily *Kesari* and the weekly *Mahratta*. Ever since his release Mr. Tilak was busy re-organising and re-vitalising the Nationalist (Extremist) Party, which began to grow in strength and influence very rapidly under his inspiring and able leadership. The two Leagues—the Poona and the Madras Home Rule Leagues—co-operated together and pushed forward vigorously the propaganda for Home Rule in the country. In December 1916 the Indian National Congress and the All-India Moslem League adopted a common scheme of reforms and the Congress decided to utilise the Home Rule Leagues to popularise the scheme among the people. After the Lucknow Congress of 1916, both Mr. Tilak and Mrs. Besant took up the work of national awakening and political education in right earnest and vigorously pushed on propaganda in support of the Congress-League Scheme.

The Home Rule campaigns in Bombay and Madras alarmed the Governments of the two Presidencies and they tried to suppress the new movement indirectly by placing restrictions on the liberties of its two leaders. In May 1916 proceedings were started against Mr. Tilak for delivering certain speeches at Home Rule meetings. He was ordered to furnish a personal bond of Rs. 20,000, with two sureties of Rs. 10,000 each, to be of good behaviour for a period of one year. The order of the Magistrate was, however, cancelled later (November 9, 1916) on an appeal to the Bombay High Court. About the same time, i.e., May 26, 1916, security of Rs. 2,000 was demanded from *New India*, which was forfeited on August 28. A new security of Rs. 10,000 was demanded and immediately

paid. Mrs. Besant appealed to the Madras High Court against the order of confiscation and later to the Privy Council but without success.

The efforts of the Government to restrict the political activities of Mr. Tilak and Mrs. Besant had just the opposite effect. In 1917 they threw themselves heart and soul into the work of national propaganda and the agitation for Home Rule reached an unprecedented height. The publication of the unsatisfactory report of the Public Services Commission¹ early in 1917 accentuated the feelings of discontent and strengthened the demand for Home Rule. The Government felt it necessary to adopt a policy of active discouragement and mild repression. A circular was issued prohibiting school and college students from attending Home Rule meetings. The Provincial Governors delivered speeches to discourage the propaganda for Home Rule and to warn the leaders of the movement. The Government of Madras went further and issued orders of internment against Mrs. Besant and her two associates. Nationalist leaders suspected it also of helping the Non-Brahmins to start an anti-Home Rule campaign and of encouraging them in fanning the flame of communalism in the Presidency. Be that as it may, the internment of Mrs. Besant and Messrs. B. P. Wadia and G. S. Arundale created a storm of opposition and indignation from one end of the country to another. Protest meetings were held all over India and the nationalist leaders, who had refrained from joining till then, enlisted themselves as members of the Home Rule Leagues in a body and accepted responsible offices in the Leagues. The All-India Congress Committee at its meeting in July expressed its sense of appreciation of the work done by the Home Rule Leagues and strong condemnation of the action taken by the Government against Mrs. Besant and her associates. Under the inspiration of Mr. Tilak it made a strong and dignified representation to the Viceroy and the Secretary of State condemning the repressive and reactionary policy adopted by the Governments in India and asking for the immediate grant

¹ See Sections VII & VIII of Chapter XXIII, *supra*.

of a substantial instalment of *Swaraj*. The Committee asked for a Royal Proclamation announcing the acceptance of Indian political demands and the release of the interned leaders—Mrs. Besant and her two associates and the Ali Brothers. The Committee warned the Government that unless these steps were taken at the earliest opportunity discontent and unrest in India would continue to grow.

At the July meeting of the Congress Committee Mr. Tilak had also raised the question of starting passive resistance but he did not press its immediate acceptance and gladly agreed to refer the matter to the Provincial Congress Committee for opinion. Mr. Tilak, however, strongly pressed upon his fellow-Congressmen the proposal to select Mrs. Besant as President of the next Congress Session, irrespective of whether she was released or not, as an unmistakable proof of their appreciation of her great services to the Indian cause at such a critical juncture in the history of the country. Although many of the Moderates did not like the proposal, the various Provincial Congress Committees recommended Mrs. Besant for the Presidentship of the 1917 Congress—and within four years of her joining the Congress, Mrs. Besant received the highest honour which the Indian people can confer upon an individual. However, the All-India Congress Committee at its July meeting laid the greatest emphasis on the necessity of securing the release of Mrs. Besant and her associates as early as possible.

Political agitation in India reached the highest point in July and August 1917. In July 1917 was also published the Report of the Mesopotamian Commission which created a great stir both in England and in India and resulted in supporting and strengthening the demand for political reforms in India. The Commission had condemned the conduct of the Mesopotamian campaign as carried on by the Government of Lord Hardinge and by Mr. Chamberlain, the Secretary of State for India; and although Lord Hardinge was able to shift a great part of the blame on the British War Office through his speech in the House of Lords, the existing system of Government in India was strongly condemned by Mr. Montagu, an ex-Under

Secretary of State for India, in his famous speech on the Mesopotamian Commission Report, on July 12th, 1917, in the House of Commons. Mr. Montagu drew up a scathing indictment of the whole system of Indian governance. He described the Government of India as "too wooden, too iron, too inelastic, too anti-diluvian, to be any of use for the modern purposes we have in view"¹; and he advocated greater independence of action for the Viceroy, transfer of partial control to the legislatures in India, the removal of the burden of the cost of the India Office from the shoulders of the Indian tax-payers, imposition of real responsibility on the Secretary of State by the House of Commons by reducing the powers of the India Council and the reform of the machinery of the India Office, which he condemned in the following words:—"I tell this House that the statutory organisation of the India Office produces an apotheosis of circumlocution and red-tape beyond the dreams of any ordinary citizen."² Mr. Montagu supported the Indian demand for an immediate declaration of British policy and for making substantial changes in the system of British Government in India. Even the plea of "efficiency" could not be advanced any longer as the Mesopotamian Muddle "has proved" that the Government of India is "not efficient."³ "If you want to use loyalty [of the Indian people] you must give them that higher opportunity of controlling their own destinies, not merely by councils which cannot act, but by control, by growing control of the Executive itself"⁴ he quietly told the House of Commons; and, he ended by saying:—"Unless you are prepared to remodel, in the light of modern experience, this century-old and cumbrous machine, then I believe, I verily believe, that you will lose your right to control the destinies of the Indian Empire."⁵

The Indian nationalist press utilised Mr. Montagu's speech for purposes of propaganda. It was praised and quoted

¹ The Indian Annual Register, 1919, page IX.

² *Ibid.*, page XI.

³ *Ibid.*, page XII.

⁴ *Ibid.*, page XIII.

⁵ *Ibid.*, page XIV.

extensively. It was used as a text to preach the necessity of immediate change in the Government of the country. And the agitation for Home Rule and for the release of interned leaders was pushed forward with greater vigour and fervour.

In the meantime the War situation in Europe had become very grave and England was anxious to secure more help from India. The people in India were ready to help but they wanted better treatment and a definite promise of Swaraj in the near future. Mr. Lloyd George realised the needs of the situation and appointed Mr. Montagu as Secretary of State for India in place of Mr. Chamberlain, who had resigned in view of the criticisms made by the Mesopotamian Commission Report. The British Cabinet set to work in drafting a new declaration of policy for India in spite of other engrossing preoccupations—and started correspondence with the Government of India to arrange for the release of Mrs. Besant and her associates. The Government announced the removal of the bar excluding Indians from the Commissioned ranks in the Army and offered 9 King's Commissions to persons who had already rendered conspicuous war services. On August 20, 1917, in reply to a question from Mr. Charles Roberts, Mr. Montagu made the historic declaration in the House of Commons :—"The policy of His Majesty's Government, with which the Government of India are in complete accord, is that of the increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realisation of responsible government in India as an integral part of the British Empire. . . . I would add that progress in this policy can only be achieved by successive stages. The British Government and the Government of India, on whom the responsibility lies for the welfare and advancement of the Indian peoples, must be the judges of the time and measure of each advance, and they must be guided by the co-operation received from those upon whom new opportunities of service will thus be conferred and by

the extent to which it is found that confidence can be reposed in their sense of responsibility.”¹

The Secretary of State announced at the same time the decision of His Majesty's Government to send him to India almost immediately for purposes of consultation and enquiry.

The announcement of August 20, 1917 created once again a division in the ranks of Indian Nationalism. The Moderates “welcomed the declaration as the ‘Magna Charta of India’, and while asking for the release of the internees as an earnest of the intentions of Government, desired to concentrate all their energies on an educative campaign in preparation for the coming visit of the Secretary of State.”² The extremists, on the other hand, regarded the announcement as unsatisfactory both in language and substance and decided to continue agitation both for the release of the internees and for the better recognition of Indian claims and aspirations.

The agitation for the release of the internees was partially³ successful. On September 5th, 1917, the Government of India announced its readiness to recommend the release of Mrs. Besant and her associates to the Madras Government provided “it was satisfied that these persons would abstain from violent and unconstitutional methods of political agitation during the remainder of the period of the War.”⁴ The assurance was readily given and Mrs. Besant and Messrs. Arundale and Wadia were released in the hope of creating a calm atmosphere for the approaching visit of the Secretary of State for India.

The Home Rule Leagues continued their work of propaganda and political education in India and also decided to extend their activities to England. Both Mr. Tilak and Mrs. Besant were alive to the necessity of educating public opinion in England at this juncture and they pressed upon the older Congressmen the desirability of sending a deputation

¹ Report on Indian Constitutional Reforms, 1918, page 1.

² India in the Years 1917-1918, page 37.

³ The Ali Brothers were not released as they refused to give the assurance required from them by the Government.

⁴ India in the Years 1917-18, page 41.

to England for the purpose. At the Lucknow Congress in 1916 it was decided to send a deputation but the idea was dropped later on the advice of Sir William Wedderburn. In the meantime anti-Indian propaganda was started in England in an organised fashion by the retired Anglo-Indians and other reactionaries. With Lord Sydenham at their head they founded the Indo-British Association to create opposition in England to the policy of reform. Mr. Tilak sent Mr. Baptista to England to establish contact with the Labour Party and to watch the situation on the spot. He himself undertook an arduous tour in Maharashtra to collect money for sending a Home Rule Deputation to England in collaboration with Mrs. Besant. The two Home Rule Leagues decided to send their deputations to England in the spring of 1918 and the Government of India issued the necessary passports. The first deputation left in the middle of March and the second was about to embark from Colombo when the passports were cancelled under instructions from the British War Cabinet. The Home Rule Leagues were thus prevented from placing their views before the British public and they were denied the opportunity of counteracting the nefarious propaganda of the Indo-British Association.

On November 10, 1917, the Montagu Mission arrived in India and began its work of consultation and enquiry, as a result of which a joint scheme of reforms was put forward by the Secretary of State and the Viceroy, which was approved of by the other members of the Montagu Mission—Lord Donoughmore, Sir William Duke, Mr. (later Sir) Bhupendranath Basu and Mr. Charles Roberts—and was generally supported both by the Executive Council of the Viceroy and the India Council in London. The Montagu-Chelmsford Scheme, or the Montford Scheme, as it came to be called, will be described and discussed in later chapters.

CHAPTER XXVI.

REFORMS IN THE MAKING.

I.

Strange as it may appear but nevertheless it is true that the Indian Councils Act, 1909, was not passed with a view to transfer any power or responsibility to Indian hands but with the opposite intention of buttressing the authority of the bureaucracy by rallying to its side conservative opinion in India.¹ Enthusiastic supporters of the scheme no doubt did not attach any weight to the emphatic disclaimer of the Secretary of State that the reforms were not intended to lead to the establishment of Parliamentary Government in India ; but both Lords Morley and Minto were very clear and definite on the point. They wished to associate only such Indians with the administration of the country who would "oppose any further shifting of the balance of power and any attempt to democratise Indian institutions."² In this attempt, however, the authors of the Reforms of 1909 were foredoomed to failure. They had no power to turn the hands of the clock backwards and to stop the progress of India towards freedom and self-government.

From the beginning it became clear that the Reforms of 1909 could not solve the Indian problem even provisionally. It is true that the Indian Moderates had formed very high hopes of the Reforms. Mr. Gokhale described them in December 1908 "as modifying the bureaucratic character of the Government and offering the elected representatives responsible association with the administration."³ He had

¹ The authors of the Montagu-Chelmsford scheme thus speak of the expectations of Lords Morley and Minto :—"They hoped to create a constitution about which conservative opinion would crystallize and offer substantial opposition to any further change." Page 48, Report on Indian Constitutional Reforms, 1918.

² *Ibid*, page 48.

³ *Ibid*, page 64.

hoped that "over finance, for the control of Government of India, would be largely substituted the control of discussion and criticism in the Councils ;"¹ "that racial considerations would recede into the background, and that the Indian view of questions would be effectively presented in the highest councils ;"² and that no legislation in the provinces would be enacted which the non-official majorities did not desire, "and that the elected members would have all the opportunity that they needed of influencing the course of provincial business."² But a few months' working of the Act changed Mr. Gokhale's views. In August 1910 he complained of non-official helplessness from his seat in the Imperial Legislative Council :—"Now, my Lord, we well know that once the Government had made up their mind to adopt a particular course, nothing that the non-official members may say in the Council is practically of any avail in bringing about a change in that course."³ The position was not very much better in the case of the provincial councils, as the elected element was not in effective majority anywhere and also because the final authority in almost all cases rested with the Imperial Government.

The Morley-Minto Reforms thus failed to satisfy even the most moderate politician in India. There were several causes of this failure. The first and perhaps the most important cause was the existence of the solid official phalanx in the Imperial Legislative Council. There was no getting away from it and no way of getting round it or dividing it. Like the Chinese Wall it acted as a permanent barrier between the Government and the non-official Indians, embittering their relationship and causing endless irritation and annoyance. The debates in the Council, except on special occasions, became lifeless and uninteresting, robbed in fact of all reality and sense of responsibility. In the minds of the officials the conflict between conscience and discipline became sometimes

¹ Indian Constitutional Reforms, 1918, page 64.

² *Ibid.*, page 65.

³ Proceedings of the Imperial Legislative Council, Vol. XLIX, page 29.

very acute ; and, in the minds of the non-officials, feelings of helplessness and disappointment became most keen, and forced the Moderates to join hands with the Extremists. It divided all issues on racial lines and tended to make racial differences very prominent. As pointed out by Mr. Curtis :—
“The whole effect of this system strikes one as singularly calculated to produce a cleavage on racial lines, and to exasperate racial feelings.”¹

This was the case not only in the Imperial Legislative Council, where the official members were in a majority, but also in the provincial councils, where the non-official members—and in the case of Bengal, elected members—were in a majority. In the first instance, the non-official majority was more nominal than real. As pointed out by the Montford Report, “the fact that absentees were more numerous among the non-officials than among the official members tends to impair the effectiveness of the non-official majority.”² Secondly, the nominated and European members considered it almost an obligation to vote ordinarily with the official rather than the elected members. And, thirdly, the officials were not only required to act together but also to defend the decision of the Central Government although they may be opposed to the views of the Provincial Government which may have liked sometimes to placate the non-official majority. The theory, as propounded by the Secretary of State, was that “there is for India one system of administration and one alone It was, therefore, ... the duty of the local government in dealing with the resolution to uphold with all their authority the decision of the Government of India.”³

It must not, however, be understood that the non-official members were altogether without any influence on the course of legislation or administration. They were often consulted before Bills were finally drafted or administrative decisions made. Even after ordinary measures had been introduced in the Councils, the non-official members were able to secure

¹ Curtis : *Dyarchy*, page 372.

² Report on Indian Constitutional Reforms, 1918, page 62.

³ *Ibid*, page 58.

important modifications. This was so in the case of the Indian Court Fees (Amendment) Bill (1910), the Indian Factories Bill (1911), the Indian Patents and Designs Bill (1911), the Criminal Tribes Bill (1911), the Life Assurance Companies Bill (1912), the Indian Companies Bill (1912), and the Indian (Bogus Degrees) Medical Bill (1916). But it must be remembered that modifications were secured by Indian members only in the case of those Bills which were not regarded as vital by the Government—or as the Montford Report puts it, which did not touch “the peace and security of the country.”¹ The Government was also influenced to some extent by non-official opinion in administrative matters. “Among the measures the decisions on which have been influenced by Council resolutions were the abolition of the system of indentured labour in certain colonies, the establishment of an executive council in the United Provinces, the establishment of a High Court in the Punjab, the appointment of a committee to inquire into, and report on jail administration, and the appointment of the Public Services and the Industrial Commissions.”² To give the correct perspective it must however be mentioned that out of the 168 resolutions moved in the Imperial Legislative Council up to the end of 1917 only 24 were accepted by the Government, 68 were withdrawn, and 76 were rejected.²

The second cause of the failure of the Morley-Minto Reforms was the non-relaxation of control, over the provincial governments and the niggardly policy followed in connection with the admission of Indians into the public services. “There was no general advance in local bodies ; no real setting free of provincial finance ; and in spite of some progress no widespread admission of Indians in greater numbers into the public service.”¹ The Government of India was still responsible to the British Parliament and could not relax its control over provincial administration and legislation. “The sphere in which the councils could affect the Govern-

¹ Report on Indian Constitutional Reforms, 1918, page 60.

² *Ibid.*, page 61.

ment's action, both in respect of finance and administration, was therefore closely circumscribed. Again and again a local government could only meet a resolution by saying that the matter was really out of its hands. It could not find the money because of the provincial settlements; it was not administratively free to act because the Government of India were seized of the question; it could therefore only lay the views of the council before the Government of India."¹

Thirdly, the system of elections that was set up under the Scheme was hopelessly inadequate, unfair in its treatment of the various communities and wrong in principle. While separate communal electorates were created for the Moslems and special representation was given to particular interests, like the landlords, no direct representation was accorded to the general public in the legislatures. As a matter of fact, the system of general representation was so narrow and indirect—it has been called "doubly" indirect by the authors of the Montford Report—that it could afford no political education to the people or to give them any training in creating a sense of responsibility. To mention concrete instances:—the average number of voters in the general constituencies for the Imperial Legislative Council was only 21, while, in one case, the actual number was 9. "The total number of votes, by which all the elected members of this Council are returned, can scarcely exceed 4,000. That gives less than an average of 150 for each member. Similarly, members of the legislative council of the United Provinces are elected by about 3,000 votes, or an average of about 143 for each elected member."² The representatives of the general public were elected to the Provincial Councils by the non-official members of the local boards and to the Imperial Council by the non-official members of the Provincial Councils. The result was that there was "absolutely no connexion between the supposed primary voter and the man who sits as his representative on the Legislative Council, and the vote of the supposed primary

¹ Report on Indian Constitutional Reforms, 1918, page 65.

² Curtis: Dyarchy, page 368.

voter has no effect upon the proceedings of the Legislative Council".¹ Such was the system of elections instituted under the Indian Councils Act, 1909. Writes Mr. Curtis, "the so-called representative system is a sham".²

II

The inherent defects of the Morley-Minto Reforms were so fundamental that no amount of loyal co-operation on the part of Indians could conceal them or get round them. There was general dissatisfaction with the results of the working of the 1909 Act, and with the awakening brought about by the War, the discontent became particularly acute. The Government had no option but to take up the question of political reforms again in its hands. Lord Willingdon, who was then Governor of Bombay, asked the leader of Indian Moderates, Mr. Gokhale, to prepare a scheme which he did shortly before his death in 1915. It was published in August 1915. It was published in August 1917 and is known as "Gokhale's Political Testament."

Mr. Gokhale's scheme was intended to remove the second great defect³ of the Morley-Minto Reforms and to bring about a real provincial autonomy in the narrow and strict sense of the term—in the sense of the absence of control from above. Mr. Gokhale did not wish to arouse official opposition by striking a new line. He only suggested those changes which could easily be made within the framework of the existing system. Moreover the War was still in its early stages and had not aroused as yet those higher hopes, which are summed up in such phrases, as self-determination.

The Government of Lord Hardinge, it will be remembered, had already laid down in the Delhi Dispatch of 1911, that the only possible goal of British policy in India was "gradually to give the provinces a large measure of self-government, until

¹ Report on Indian Constitutional Reforms, 1918, page 54.

² Curtis: Dyarchy, page 368.

³ See page 525, *supra*.

at last India would consist of a number of administrations autonomous in all provincial affairs, with the Government of India above them all".¹ Mr. Gokhale began by assuming that the grant of such provincial autonomy "would be a fitting concession to make at the close of the War"² and proceeded to elaborate a scheme by which this could be brought about.

As a preliminary to the relaxation of control from above, Mr. Gokhale proposed to reconstitute provincial governments. At the head of each province there was to be a Governor appointed from England, who was to act with an Executive Council consisting of six members, three of whom were to be Englishmen and three Indians. Each province was to have a Legislative Council, consisting of from 75 to 100 members, of whom not less than four-fifths were to be elected by different constituencies formed on the same basis as in the case of the Morley-Minto Councils. The new Councils were to be given full powers of legislation and of passing resolutions, both on financial and other matters. The resolutions of the Councils were to be binding on the Executive unless vetoed by the Governor. "But the members of the Executive Government shall not depend, individually or collectively, on the support of a majority of the Council for holding their offices",³ on the model of Imperial Germany.

The reconstituted Provincial Governments were to be made independent of the Imperial Government in all internal affairs including provincial finance by the abolition of divided heads. "The revenue under salt, customs, tributes, railways, port, telegraph and mint should belong exclusively to the Government of India, the services being Imperial; while that under land revenue, including irrigation, excise, forests, assessed taxes, stamps, and registration should belong to the Provincial Government, the services being provincial".³ This division

¹ Mukherjee : Indian Constitutional Documents, Vol. I, page 454.

² Keith : Speeches and Documents on Indian Policy, Vol. II, page 111.

³ *Ibid*, page 112.

was expected to leave a deficit in the Central Budget to cover which each provincial government was to make an annual contribution, "fixed for periods of five years at a time".¹

To make the scheme of provincial autonomy complete Mr. Gokhale proposed (1) to associate small district councils, consisting of both elected and nominated persons, with the Collectors, whose powers were to be enlarged by abolishing divisional commissionerships, and (2) to extend greatly the sphere of local self-government by creating village parichayats and making town and taluka boards wholly elected.

Having invested the Provincial Governments with almost complete autonomous powers Mr. Gokhale proceeded to reconstitute the Imperial Government. He proposed an Executive Council of six members, ("at least two of whom shall be Indians"), and a legislative Assembly of about 100 members, with its powers enlarged but the official majority maintained for the time being. The Assembly was to have "increased opportunities of influencing the policy of the Government by discussion, questions connected with the army and navy being placed on a level with other questions",¹ and the Government of India was to be freed from the control of the Secretary of State in fiscal matters. The Central Government was also given the reserve power of enacting laws which were repeatedly refused by Provincial Councils but which were regarded as vital by the Government.

The control of the Secretary of State over the Government of India was to be reduced largely in all directions and his position steadily approximated to that of the Secretary of State for the Colonies. The India Council was to be abolished immediately.

Lastly, the Gokhale Scheme recommended (1) the grant of military and naval commissions to Indians, with adequate arrangements for military and naval instruction; and (2) the reservation of German East Africa, when conquered, for Indian Colonization.

¹ Keith : *Speeches and Documents on Indian Policy*, Vol. II, pages 115 and 116.

III

The Gokhale Scheme of Reforms was still-born. It did not exert any influence on the authors of the Report on Indian Constitutional Reforms, 1918. By the time the Scheme was published it had already become out of date. On the other hand, the scheme that was evolved about the same time by the Round Table Group in England appears to have exerted a considerable influence on the minds of the authors of the Montford Report.

Round Table groups were started to study the Imperial problem in the Dominions and in England in 1910 under the leadership of Mr. Lionel Curtis, who was originally a government official in Transvaal, with a journal called "The Round Table", under the editorship of Mr. Kerr. These groups had evolved a scheme for the Government of the Empire which were to have no concern with the domestic affairs of the United Kingdom or of the Dominions. In completing this scheme they had come upon the problem of India. What place was to be assigned to India in the Councils of the Empire? Could this be done at all without starting India on the road to self or responsible Government? To answer these questions Mr. Curtis gathered round him in the autumn of 1915 a group of friends, who were specially interested in, and also acquainted with, the problem of India. This group included two members of the India Council, the late Sir Lionel Abraham, and Sir William Duke, an ex-Lieutenant Governor of Bengal and later a member of the Montagu Mission to India.

This group soon came to the conclusion that "a further advance marked by the Morley-Minto Reforms was a step over the precipice and a plunge towards anarchy"¹ and if responsible government was to be introduced—no doubt gradually and with due regard to safety and security—there was no alternative to "Dyarchy", the creation of two governments in one area, one responsible to the British electorate

¹ Curtis : *Dyarchy*, page XXIV.

and the other to the Indian electorate to be created in the various localities. To give concrete shape to the proposal Sir William Duke undertook to work it out in the form of a complete scheme for the province of Bengal. This scheme was carefully discussed by the Group, as a result of which, Sir William Duke felt it necessary to redraft it. It was then printed for private circulation¹ to the various Round Table Groups in May 1916, and came to be known as the Duke Memorandum.

IV

The credit of inventing "Dyarchy" belongs to Sir William Duke.² He describes his Memorandum as "an experiment in the application of the principle of Dyarchy to the Government of Bengal." But before proceeding to work out the details of his scheme of Dyarchy Sir William Duke tries to explore the possibilities of advance within the framework of the existing system. He begins his search full of dark foreboding—"because comparatively small changes would result in transferring the reality of power in provincial affairs *en bloc* from the Governor and his permanent officials to the elected majority of the Council, in fact in revolution"³—not only in revolution but also "in rendering government uncertain and ineffective".³ With this in mind Sir William proceeds to examine the proposal of increasing the Indian element in the Provincial Executive Councils and in making it popular. He is afraid that any increase in the number of Indian members would place the Governor in an impossible position "until Indian members can be given such a degree of responsibility as will keep their

¹ It was however not actually circulated but kept a secret till it was published in "Dyarchy" by Mr. Curtis. For reasons of this unusual course see Section V of this Chapter.

² According to Mr. Curtis, the word "Dyarchy" was invented by Sir William Meyer, then Finance Member of the Government of India. It was first used publicly in a letter by Mr. Curtis to Sir Bhupendranath Basu, which was printed in April 1917. The Duke Memorandum, though completed in May 1916, was not given to the public till 1920. See Curtis: Dyarchy, p. XXXII.

³ Curtis: Dyarchy, page 11.

demands within bounds".¹ He is against election of the Indian member by the Legislative Council because it would be wrong to force a colleague on the Governor. He regards even the proposal that the Indian member of the Executive Council should ordinarily be chosen from among the elected members of the Legislative Council as "not without its difficulties"; but "with all its drawbacks" he is prepared to recommend it "for consideration". Sir William next proceeds to consider the question of improving the Legislative Councils. He is against any large increase in the size of the Councils, because it would be extremely difficult to increase the number of official members and because the "intellectuals" were already sufficiently represented. He, however, favours the substitution of direct elections in place of the existing system of indirect elections. He is of opinion that any increase in the powers of the Legislative Councils would make it difficult for the Government to maintain its efficiency. He also rejects the proposal to institute committees on the French model in order to bring members in more intimate touch with the administration, although he believes that it is possible to make the Finance Committee more effective than it is. And he concludes by saying that the results of introducing the changes above described are likely to be disappointing, especially from the point of view of giving "practical training in the business of administration".

Having thus reached the conclusion that no further progress is possible within the existing frame of government, Sir William Duke proceeds to expound his scheme of Dyarchy. He begins by making three assumptions:—(1) "that there are certain departments of Government (like the Police) the integrity and efficiency of which are so vital to the British connection, that in the existing conditions they could not be submitted to popular control"²; (2) that in each province there are considerable areas inhabited by primitive races which must continue to be governed autocratically; and (3) that the time

¹ Curtis: Dyarchy, page 12.

² *Ibid.*, page 18.

had come to initiate Indians in the art of "responsible" government as distinguished from mere "self" government by transferring certain safe subjects to popular control. Given these assumptions it is clear that there is no alternative to Dyarchy—dividing the administration of a province into two parts, one part responsible to the people and the other to be governed autocratically, with the ultimate responsibility to the British electorate. It only remained to work out the details.

The scheme of Dyarchy worked out by Sir William Duke provides for the administration of reserved subjects and tracts by the Government constituted under the Morley-Minto Reforms with such modifications as suggested by him, which have been already described above. For the administration of transferred subjects he proposes a cabinet of three to five members, selected from the Legislative Council in the same way as in other countries with responsible government. The Legislative Council should be improved by the substitution of direct elections for indirect and by appointing two Vice-Presidents, one official and one elected non-official—the latter to preside when both the Governor and the official Vice-President decide not to do so. The Governor is to preside at Cabinet meetings, but, as time passes and the experiment matures, "he would probably desire to withdraw more and more from its deliberations and gradually to retire into the position of a constitutional ruler who is consulted by the Executive, but takes no part in the deliberations of the Assembly."¹

The Cabinet is to be given charge of three departments—Education, Local Self-Government and Sanitation—immediately, and "at an early or comparatively early stage" of five more departments—Registration, Co-operative Credit, Agriculture, Forests, Public Works—gradually, and is to hold itself responsible for their proper administration to the Legislature. No special provision is made for financing the administration of the transferred departments. Owing to the uncertainty of the yield it is considered extremely difficult to allocate any

¹ Curtis : Dyarchy, page 20.

definite source or sources of revenue to the transferred section ; but the greatest reliance was to be placed on the income from Excise and on levying fresh taxes.

V

Such was the scheme of Dyarchy which was worked out by Sir William Duke at the end of 1915 and the beginning of 1916. It was published for the first time by Mr. Curtis in a collection made by him in 1920 and entitled "Dyarchy". Just about the time that the scheme was being finally drafted Lord Chelmsford was appointed the Viceroy of India. He had come to know of the discussions of the Curtis-Duke Group ; and, as he was of opinion that an announcement that an advance in the Indian system of government on the road to responsible government was immediately necessary, he asked Mr. Curtis to let him have a copy of the Duke Memorandum when it was ready. A copy of the Memorandum was sent to Lord Chelmsford in India in May 1916 ; but Mr. Curtis decided not to circulate it to members of the various Round Table Groups in order to enable Lord Chelmsford to make a full use of it, without feeling any embarrassment whatsoever.

Correspondence had already begun between the Viceroy and Mr. Chamberlain, the Secretary of State for India at the time, on the subject of reforms and this fact became known to Indian public men. The War and the talk of "fighting for freedom and securing liberties of small nationalities", "the right of self-determination for small nations", "the change in the angle of vision", etc., had aroused high hopes in the minds of Indians. Nineteen elected members of the Imperial Legislative Council felt that the opportunity was most favourable to place their views and suggestions on the subject of reforms and Indian grievances before the Government. A memorandum was drafted and submitted to the Viceroy in October 1916. It is known as "the Memorandum of the Nineteen".

The signatories to the Memorandum were strongly of opinion that the Government "must give to the people real and effective participation in the government of the country

and also remove those irritating disabilities as regards the possession of arms and a military career which indicate want of confidence in the people and place them in a position of inferiority and helplessness".¹ Towards this end they submitted definite suggestions :—

(1) That at least half the number of members of the Imperial and Provincial Executive Councils should be Indians elected by the representatives of the people. "Statutory obligation that three of the members of the supreme Executive Council shall be selected from Public Services in India, and similar provisions with regard to Provincial Councils, should be removed".²

(2) That all Legislative Councils should have substantial elected majorities. "The Franchise should be broadened and extended directly to the people"³ with adequate provisions to safeguard the interests of minorities according "to their numerical strength and position".³ The size of the Councils should be increased substantially—to not less than 150 members in the case of the Imperial Legislative Council; not less than 100 in the case of the Councils of the Major Provinces, and not less than 75 in those of the minor provinces. The Legislative Councils should possess full powers of passing legislation, including monetary bills ; they were also to have the power of discussing administrative matters and passing resolutions thereon. "As a safeguard, the Governor-General in Council, or the Governor in Council, as the case may be, should have the right of veto, but subject to certain conditions and limitations".³ In fiscal matters India should be made fully autonomous.

(3) That the Council of the Secretary of State should be abolished and his position made similar to that of the Secretary of State for the Colonies ; his salary and those of his under-secretaries should be placed on the British Estimates. The

¹ Keith : Speeches & Documents on Indian Policy, Vol. II, page 121.

² *Ibid*, page 122.

³ *Ibid*, page 123.

Secretary of State should be assisted by two permanent under-secretaries, one of whom should be an Indian.

(4) That the Provincial Governments should be made autonomous as foreshadowed in the Delhi-Dispatch of August 25, 1911 ; and the Government of each major province "should have a Governor brought from the United Kingdom, with an Executive Council".¹ There should be granted a full measure of local self-government in each province.

(5) That in any scheme of Imperial Federation, India should be given through her chosen representatives, a place similar to that of the self-governing dominions".¹

(6) That no distinctions should be made between Europeans and Indians in regard to (1) the right to carry arms, (2) the enlistment of volunteers in the territorial army, and (3) the granting of military commissions.

VI

The scheme of reforms contained in the Memorandum of the Nineteen was amplified and slightly modified by the leaders of the two largest communities in India, Hindus and Mohammedans and was passed by the two great political organisations in the country, the Indian National Congress and the All-India Moslem League, at their annual sessions held at Lucknow at the end of December 1916. The Congress-League Scheme, as the amplified scheme came to be called, became India's National Demand during 1917 and as such it was pressed for adoption by the various national organisations in the country on the Montagu Mission which toured India during the cold weather of 1917-18.

The Congress-League Scheme was divided into five parts. Part I, dealt with the constitution and functions of the Provincial Legislative Councils. Each major province was to have a Legislative Council of from 100 to 125 members and each minor province a Council of from 50 to 75 members—four-fifths of the members in each case were to be elected

¹ Keith : Speeches and Documents on Indian Policy, Vol. II, page 124.

directly by the people on as broad a franchise as possible".¹ Adequate provision was to be made by election for the representation of important minorities and definite proportions of elected seats were reserved for the Moslems in the various provinces—one-half in the Punjab ; 30% in the United Provinces ; 40% in Bengal ; 29% in Behar ; 15% in Central Provinces ; 15% in Madras and one-third in Bombay. It was also laid down that if three-fourths of the members of the one or the other community consider any resolution, bill or a clause thereof objectionable or injurious to the interests of the community such resolution, bill or clause shall be dropped without any further discussion. The members of the Councils were to be elected for five years and the Councils were to be presided over by elected Presidents.

The Provincial Council was to "have full authority to deal with all matters affecting the internal administration of the province, including the power to raise loans, to impose and alter taxation and to vote on the budget."² Members were to have the right of asking questions and supplementary questions, introducing bills other than Money Bills, and moving resolutions and adjournment motions. Bills could only become law after receiving the assent of the Governor and they could be vetoed by the Governor-General. Resolutions were to be binding on the executive unless vetoed by the Governor—but if a resolution was "again passed by the Council after an interval of not less than one year, it must be given effect to."² All sources, other than customs, post, telegraph, mint, salt, opium, railways, army and navy, and tributes from Indian States, were to be provincial but each province was to make a fixed contribution towards meeting the Imperial expenditure.

Part II of the Congress-League Scheme was very short and dealt with the constitution of Provincial Executives. Each Province was to have a non-civilian Governor who was to act with an Executive Council consisting ordinarily of non-civilian

¹ Keith : *Speeches & Documents on Indian Policy*, Vol. II, page 125.

² *Ibid.*, page 126.

members, half of whom were to be Indians, elected by the elected members of the Legislative Council. The term of office of each member was to be five years.

Part III was comparatively long and dealt with the composition and powers of the Imperial Legislative Council. It was to consist of 150 members, four-fifths of whom were to be elected on a broad franchise. All communities were to be represented directly although the elected members of the Provincial Councils were still to form an electorate for the return of members to the Imperial Council. The term of office of members was to be five years.

The Imperial Legislative Council was to have an elected president and the power to control all-India questions, inter-provincial matters, subjects in regard to which uniform legislation was desirable, Imperial expenditure with the exception of military charges, and the revision, imposition and removal of customs duties, taxes and cesses. The Council was to possess full financial and fiscal powers. Members were to have the right of asking questions and supplementary questions, of introducing bills other than Money Bills and of moving resolutions. The assent of the Governor-General was necessary for the passing of a law but the resolutions of the Council were to be binding on the executive government unless vetoed by the Governor-General with the proviso that if the resolution was again passed after the lapse of a year it was to be given effect to. The Crown was given the right of vetoing both provincial and imperial legislation within 12 months of the date of its enactment, and the Government of India was secured full freedom in the "direction of the military affairs and the foreign and political relations of India, including the declaration of war, the making of peace and the entering into treaties".¹

Part IV of the Congress-League Scheme dealt with the constitution and powers of the Government of India which was to consist of the Governor-General and the Executive Council,

¹ Keith : *Speeches and Documents on Indian Policy*, Vol. II, p. 130.

half the members of which were to be Indians elected by the elected members of the Imperial Legislative Council. Members of the Indian Civil Service were not to be appointed ordinarily as members of the Executive Council. The Government of India was to be made as independent as possible of the Secretary of State and appointments to the Imperial Services were to be made by the Governor-General in Council subject to the laws enacted by the Imperial Legislature in this connection. The sphere of the Government of India was also to be strictly circumscribed and was limited ordinarily "to general supervision and superintendence over the Provincial Governments". Provision was also made for the institution of an independent audit on the Government of India.

Part V dealt with the future of the Secretary of State and his Council and the position taken up was exactly the same as that by the 19 elected members of the Imperial Legislative Council, which has been already described above.¹

The last part of the Congress-League Scheme asked for the redressing of Indian grievances in regard to naval and military training, grant of commissions in the army, enlistment of Indians as volunteers and the meting out of equal treatment to Indians in the British Colonies.

VII

While the Indian leaders were engaged in negotiations preliminary to the drafting of the Congress-League Scheme, Mr. Curtis, the leader of the Round Table Groups, was busy studying the Indian problem on the spot. He had come out to India on the pressing invitation of Sir James (later Lord) Meston, then Lieutenant-Governor of the United Provinces, who along with Mr. (afterwards Sir) William Marris had been urging upon Mr. Curtis the necessity of seeing things personally before evolving any scheme of reforms. Mr. Curtis reached India in October 1916 and framed his Indian programme in consultation with Lord Meston, Sir William Marris and Sir

¹ See Section V, *supra*.

Valentine Chirol. All the three advisers of Mr. Curtis were no doubt very able men but two of them were high officials and the third was a well-known publicist with a sinister reputation among educated Indians. Public opinion in India was alarmed. It was feared that reactionary influences were at work and that the object was to bring the dependent portions of the Empire under the sway of the self-governing colonies. This was openly stated in some of the Indian newspapers and, according to Mr. Curtis, was one of the important causes of securing union between the Hindus and the Moslems at Lucknow. Be that as it may, Mr. Curtis felt it necessary to write a long letter to the press explaining the true objects of his Indian visit.

Within the next few months, Mr. Curtis was able to evolve his own scheme of reforms which was a modification of the Duke Memorandum. It was embodied in a letter to Mr. (afterwards Sir) Bhupendranath Basu, dated April 6, 1917 which was also circulated to others—officials and non-officials, Europeans and Indians—for criticism and opinion. This is how the Indian leaders came to know of "Dyarchy" as an alternative scheme of reforms to the Indian demand contained in the Congress-League Scheme. The Curtis Scheme was ultimately embodied in a "Joint Address" presented by Moderate Indians and Europeans to the Viceroy and the Secretary of State in November 1917.

On August 20, 1917, the famous declaration of British policy towards India was made in the House of Commons and the Montagu Mission reached Bombay on November 10 to consult the Government of India and the representative Indian opinion on the question of the first step. Bitter controversy was raging in India as to the exact significance and meaning of the announcement. The chief point at issue was the fate of the Congress-League Scheme. Was it consistent with the new declaration? What was the exact difference between "self-government" of the Congress League Scheme and the "responsible government" of the August announcement? The extremists in both camps—the Indian and the

Anglo-Indian—were united in condemning the new declaration, though no doubt for opposite reasons. Moderate elements in Bengal made an attempt to come together and to do some constructive work. Prominent among them may be mentioned Sir Krishna Gupta, Mr. P. C. Mitter, Mr. S. R. Das, Mr. B. C. Mitter, Dr. Suhrawardhy, Mr. Bijoy Chatterjee, Mr. K. T. Paul on the Indian side, and, Mr. Arden Wood, Mr. Pickford, Mr. Anderson and Colonel Pugh on the European side. They secured the co-operation of Mr. Lionel Curtis and held meetings at the house of Sir Satyendra Sinha, and under his chairmanship, evolved a common scheme. "Ultimately twelve points of agreement were settled and signed by sixty-four Europeans and by ninety Indians. These together with an address suggesting in outline a scheme of reforms based on the twelve points were submitted to the Viceroy and to Mr. Montagu on his arrival at Delhi".¹ The Joint Address was published in November, 1917 and was severely criticised both in the European and in the Indian Press in the country. Mr. Curtis replied to his critics in a series of letters—"Letters to the People of India"—which were published in book form about the end of December, 1917.

The signatories to the Joint Address were agreed only on twelve specific points. On the details of the scheme² contained in the Address every one reserved to himself full liberty of judgment. The signatories regarded the Pronouncement as worthy of acceptance and as creating a new situation which should be studied with open minds.³ They considered that the existing provinces were unsuited for purposes of responsible government and recommended the creation of suitable new areas before granting the first instalment of responsible government.⁴ The concrete suggestions made in this connection in the address were two (1) That Burma should be separated and India should have nothing to do with it; and (2) that the United Provinces (by way of illustration) should be

¹ Curtis : *Dyarchy*, page XXXVII.

² The scheme was drafted by Mr. Lionel Curtis.

³ Points 1 & 2, Curtis : *Dyarchy*, pages 351 and 352.

⁴ Point 3, *Ibid*, page 352.

divided into four Provincial States. The signatories agreed "that the first steps towards responsible government cannot be taken in the sphere of the central government,"¹ and also that it was not enough to merely extend the sphere of local self-government. To constitute a real first step it was necessary to transfer parts of provincial governments to popular control. It was laid down that during the transition period governments of two types must coexist in each province, one responsible to the Secretary of State and the other to Indian electorates for certain specified functions.²

To give a definite idea of the scheme of dyarchy outlined in the Joint Address a few details may be mentioned here. In the first instance it was proposed to simplify the existing electoral machinery by making the elections to provincial legislatures direct, to widen the franchise considerably and to afford political education to the voters by making them definitely responsible for the administration of certain specific subjects. Secondly, it was recommended to divide existing provinces into a certain number of Provincial States of the size of such states as Hyderabad, Mysore, etc. In the case of the United Provinces it was proposed to constitute four Provincial States, each with a Chief Commissioner, and a responsible ministry of five members and a non-official assembly of from 45 to 75 elected members. The Ministry was to have charge of (1) Public Works, (2) Education (primary), (3) Local Government, (4) Agriculture, and (5) Finance and was to be responsible to the assembly—the assembly in its turn being responsible to the electorate. Thirdly, it was proposed to give a share of the consolidated revenue of the province to Provincial State Government proportionate to the cost of the transferred departments—"in addition to which should be handed over certain specific powers of taxation, such as would fall on the Provincial State electorate itself".³ A provision was also made for giving grants to the Provincial

¹ Point 4, Curtis: Dyarchy, page 352.

² Point 5, *Ibid.*

³ Point 6, *Ibid.*

State Governments for specified objects, subject to inspection by Provincial Inspectors.

The experiment in responsible government in the Provincial States was to be tried for a definite period, say seven years, and during the intervening periods no demand for further executive powers or for a larger share of the revenues was to be entertained.¹ The results of the experiments were to be reviewed by a Commission, including persons who had served as governors in crown and self-governing colonies, which was to report direct to the Secretary of State and may recommend *either* the grant of fresh powers—"such as the control of irrigation and forests, of higher education, of local railways, of famine relief,"² etc.; or the mere renewal of existing powers; or the suspension of old powers. When as a result of experiments conducted over several periods of seven years a sufficient number of provincial states had acquired the control of justice, jails and police, the time would have come to introduce responsibility at the centre. It was stated in the Address that "in matters common to all India, responsible government cannot be introduced by stages. It must be introduced at one stroke, by one instrument of government the Constitution of India, under which she will assume her final place in the Commonwealth of Nations"³—such a constitution was to be framed by a convention called for the purpose and enacted by the Imperial Parliament as in the case of the Dominions.

The old provinces were to continue their existence till all their powers were transferred to the new Provincial States. But certain modifications were to be made in the system of their government. Each major province was to have an Executive Council with half its members, Indians. "The Legislative Councils should be composed mainly of delegations from the assemblies of Provincial States, together with some additional members appointed by government to represent special

¹ Point 7, Curtis : Dyarchy, page 352.

² *Ibid*, page 340.

³ *Ibid*, page 342.

interests."¹ Officials may come to explain things or to give expert advice—but "official votes should vanish."¹ This was to be done in the case of the Imperial Legislative Council as well. "The official votes should vanish and the members should be largely recruited by proportional representation from the Provincial State assemblies and other public bodies as at present."²

The appointments to the various posts in the services were to be made on the advice of Public Service Commissioners both in the Government of India and in the Provinces.

Such, in brief, was the scheme of Dyarchy framed by Mr. Curtis and outlined in the Joint Address. In order, however, to ensure safety during the transitional period, certain safeguards were provided in the plan (1) "that legislation passed by Provincial State Governments affecting commercial and industrial undertakings should be reserved for the sanction of the Secretary of State"³; (2) that in case the Provincial State Governments neglect the repair of public works the repairs may be sanctioned by the Provincial Governments, which shall have the power to charge the cost to the revenues assigned to the Provincial State Government concerned⁴; (3) "that the Government of India (subject to the sanction of the Secretary of State and of Parliament) must have the right to recall powers which have been abused or neglected; and in extreme cases to suspend the Governments of Provincial States"⁵; and (4) "that (a) wherever industrial and commercial interests are located, adequate representation should be accorded; (b) adequate representation should be accorded to Mohammedans, land-holders, and minorities generally."⁶

Lastly, the signatories to the Joint Address recommended

¹ Curtis: *Dyarchy*, page 343.

² *Ibid*, page 344.

³ Point 8 of the Agreement, *Ibid*, page 352.

⁴ Point 9, *Ibid*, page 353.

⁵ Point 10, *Ibid*.

⁶ Point 11, *Ibid*.

that the scheme outlined by them should be passed in an Act of Parliament and that five Commissioners should be named under the act to settle matters "relating to franchises, constitutions, powers, finances, and such like details" in consultation with governments and people in India and the decisions of the Commissioners should be enforced by means of Orders in Council.¹

VIII.

There were thus three schemes in the field when the Montagu Mission² arrived in India. One of them, the Duke Memorandum, was still unknown to the public, though after the announcement had been made in the House of Commons on August 20, 1917 copies of it were sent by the Viceroy to the Provincial Governments for opinion. Mr. Montagu had known it long before he came to India. The second scheme was that contained in the Joint Address. There was, however, no difference in principle between the Duke Memorandum and the Curtis Scheme. Both were based upon the conception of Dyarchy. Both insisted on the introduction of definite responsibility in the provincial sphere though in the case of a few safe subjects only. Both contemplated long periods of training and of examinations before reaching the goal. The chief difference between them was in regard to the redistribution of provincial areas. The Duke Memorandum was based on the existing distribution. It took each province as it was and divided the subjects of administration between the existing autocratic government and the new responsible ministers. On the other hand, the Curtis Scheme insisted on the redistribution of areas as a preliminary to the introduc-

¹ Point 12, Curtis : Dyarchy, page 353.

² In pursuance of the policy announced on August 20, 1917, Mr. Montagu with the Earl of Donoughmore, Mr. Charles Roberts, Mr. Bhupendranath Basu, and Sir William Duke left London on October 18th for India. Sir Malcolm Seton and Mr. C. H. Kisch went with the Delegation as Secretary and Private Secretary respectively. And Mr. Parsons, Mr. Halliday and Mr. Franey were attached to the Delegation in India. Sir William Vincent's services were lent by the Government of India to the Mission. The Delegation reached Bombay on November 10, 1917 and reached Delhi on the next day. The Mission left Simla on April 23, 1918, reaching London on May 11, 1918.

tion of responsible government. Mr. Curtis not only divided subjects of administration but also the provincial areas into more compact and homogenous units. The Curtis Scheme also provided certain safeguards in the interests of Europeans.¹ In spite of these and other minor differences the schemes contained in the Duke Memorandum and the Joint Address were essentially similar. But the Scheme adopted by the Indian National Congress and the Moslem League was fundamentally different. In fact the alternative lay between the acceptance of Dyarchy and the progress on the lines of the Congress-League Scheme. The die was loaded heavily against the latter and in favour of the former from the very beginning. The mind of the Viceroy, Mr. Montagu and other important officials was playing round the idea of Dyarchy for sometime past, at least several months before the Montagu-Mission began its work in India. It was not strange under the circumstances that the first thing which the Report on Indian Constitutional Reforms, 1918 did was to condemn the Congress-League Scheme.

It is true that the Congress-League Scheme was not free from serious constitutional defects which might have produced deadlocks—(there have been enough deadlocks under the Montford Scheme)—and that it did not provide sufficient safeguards for the transitional period to carry on the government when deadlocks or dangerous situations did arise. But, on the other hand, the Congress-League Scheme would surely have secured the substance of power to Indians to a much greater extent than the attempt to introduce responsibility on dyarchical lines has actually succeeded in doing. The Indian leaders had enough experience of nominated Indians on the Executive and Legislative Councils and also of the civilian heads of provincial governments and members of executive councils. They knew to their chagrin how the British Government was wont to treat the expression of Indian opinion on

¹ Points 8, 9 and 11 of the Agreement were inserted to protect the interests of European capital, commerce and industry. See paragraph 27 of the Joint Address. Curtis: Dyarchy, page 349.

important matters in the Legislative Councils, and they wanted to secure that under the new régime Indians of the right type would be appointed on the Executive Councils and in sufficient numbers to be effective and that the wishes of Indian representatives would be respected by the Government in actual practice. They were anxious that Government in the country should henceforth be carried on in conformity with the wishes of the enlightened public opinion in India. And to secure this object the Indian leaders had made suggestions on the basis of the existing system. It would have been easy enough to modify the Congress-League Scheme to introduce real responsibility either in the provincial or the central sphere. But this the British were not prepared to do. They were not willing to part with real power either in the provinces or at the centre and the reason given was of course that Indians were not fit to assume it—that trained electorates did not exist in India.

Very soon after his arrival in India, Mr. Curtis had pointed out that there was an important distinction between "Self" and "Responsible" Government. That is no doubt true. Self-Government could have been granted to India almost at once. The number of educated Indians was sufficient to run the machinery of the government.¹ But to train the illiterate, rural people for responsible government, especially when they were divided by language, religion and distance, was no small task and could not be accomplished quickly. This was realised by clever men like Lord Curzon, who, it is now openly acknowledged, had a great hand in the drafting of the famous declaration of August 20, 1917.

The greatest defect of the Congress-League Scheme in official eyes was that it had asked for the transfer of too much power to Indian hands. It appears from the Indian Diary of

¹ The objection that this would injuriously affect the interests of other classes, especially the ignorant peasants, is not difficult to answer. No doubt the interests of the masses are not really secure so long as they do not possess political consciousness and power; but surely their interests are much more safe in the hands of enlightened Indians, with record of self-sacrifice and national work, than in those of the foreign bureaucracy.

Mr. Montagu that the British Bureaucracy in India was anxious to retain as much real power as it possibly could and that the main task of Mr. Montagu in India was to persuade the Government of India to go as far as possible. The Secretary of State himself wanted to go much farther—"I am quite prepared to give full responsible government, subject to very little fundamental legislation in the provinces,"¹ but he felt helpless. It was with great difficulty that he was able to secure the general approval of the Government of India to the proposals contained in the Report on Indian Constitutional Reforms, 1918. Under the circumstances, the acceptance of the Congress-League Scheme, which had asked for full legislative and financial control in the Provinces and also the right to direct the Provincial Executive Governments by means of binding resolutions and similar powers in the Central Government with reservations only in regard to defence, political and foreign affairs and which had proposed the exclusion of the members of the Imperial Services from certain prized posts, was out of question.

This appears to be the chief reason for the rejection of the Congress-League Scheme. The Montford Report however points out several other serious defects. To begin with, it considers the constitution of the executive governments most unsatisfactory. It is against the exclusion of civilians because of their knowledge and experience and because it would have injurious effect upon the services. It is against the election of Indian members because it would deprive the Head of the Government of all discretion in the selection of his colleagues and because "it would make it impossible to take steps to give all communities an opportunity of obtaining these appointments."² But still more serious was the association of individuals who derived their authority from different sources—the Legislature in the case of Indian members and the Secretary of State in that of the Europeans ; because "in the

¹ Montagu : *An Indian Diary*, page 84.

² The Report on Indian Constitutional Reforms, 1918, page 104.

event of a divergence of view there is no easy way of securing the unity of action required.”¹

Secondly, the position assigned to the Executive by the Congress-League Scheme was regarded by Mr. Montagu and Lord Chelmsford as full of danger and drawbacks. The Legislatures had been given full legislative and financial control. They were vested with complete powers of scrutiny and passing resolutions which were binding on the executive—with only a suspensory veto for the Head of the Government. On the other hand the Executive Councils were appointed for fixed terms of 5 years and were irremovable by the Legislatures. It was recognised that this arrangement was not without precedent. But the conditions were different in the United States of America and Germany.—“In America both the executive and legislature are ultimately responsible to the people, and in Germany [pre-war] the system appears to us only to be possible because military obedience rather than political instinct is the guiding principle of German political life.”² On the other hand, when attempts were made elsewhere to set up irremovable executives with popular assemblies, as in Canada or Malta, acute conflict was the inevitable result—leading either to an advance to popular government or reversion to autocracy. The experience gathered from the working of colonial governments was summed up by President Lowell in one sentence:—“A legislature elected by the people, coupled with a governor appointed by a distant power, is a contrivance for fomenting dissensions and making them perpetual.”³ And the conclusion reached by the authors of the Report is “that in India, where the two sides are divided by race, and also by differences of stand-point, the discord would be much more serious than it has even been in the Empire’s history.”³

Thirdly, the safeguard of the veto, was regarded by the authors of the Montford Report, as purely illusory. “The veto

¹ The Report on Indian Constitutional Reforms, 1918, page 104.

² *Ibid*, page 107.

³ *Ibid*, page 108.

is not an instrument of government, and is tolerable only when it is rarely used and does not become obtrusive."¹ What an irony of fate that the government under their own scheme has been mainly carried on with the use of the veto and the extraordinary powers vested in the Heads of Government by the Act of 1919.

Fourthly, the Congress-League Scheme was condemned by Mr. Montagu and Lord Chelmsford, because it did not provide for political education. They write:—the system proposed "is one of negative power, without responsibility, it affords the worst possible education for responsible government." It "makes no provision for . . . the training of the people in the exercise of electoral responsibility."²

In conclusion, the authors of the Report on Indian constitutional Reforms, 1918, point out:—"Apart from all questions of theory or historical examples we feel persuaded the project would soon prove unworkable in practice. It proposes to concede to the popular assembly complete power of legislation and complete control of the budget. What will follow?"³ And they paint a most sombre imaginary picture:—The legislature insists on promoting technical education by cutting down the police estimates. The government finding it impossible to maintain law and order "on the standard which the British Parliament would desire" asks to be relieved or the legislature to be suspended or its powers curtailed. "On the other hand, suppose the executive . . . enforces its will by the veto, or by ordinance in place of Acts, what must ensue? Clearly, the legislature will find its position impossible: it will protest, cut off supplies, and finally refuse to carry on its share of the government. In either case there is a hopeless impasse; and while it has been developing, the country has been ablaze with agitation, which will make relations more bitter and public business more difficult when work begins again."³

¹ The Report on Indian Constitutional Reforms 1918, page 110.

² *Ibid.*, pages 112 and 113.

³ *Ibid.*, page 113

One wonders whether this is an imaginary picture of the supposed working of the Congress-League Scheme or a realistic description of the working of the Montford Reforms in actual practice in the year 1932!

CHAPTER XXVII.

THE MONTFORD REFORMS.

I.

The Reforms of 1919, associated with the names of Mr. Montagu and Lord Chelmsford¹ and popularly known as the Montford Reforms were the outcome of the enquiry jointly conducted by the Secretary of State and the Viceroy during the cold weather of 1917-18. Mr. Montagu landed at Bombay on November 10, 1917, with members of his Mission,² and proceeded straight to Delhi to begin the enquiry in conjunction with the Viceroy at once. The Secretary of State and the Viceroy toured the three corners of India—going from Delhi to Calcutta, from Calcutta to Madras and from Madras to Bombay—to hear the views of prominent public men, associations, officials and local governments. They returned to Delhi and received deputations from important political associations, from organised interests and from the Princes. They had private discussions with leaders of public opinion in India and with leading public officials. They held prolonged conferences with the members of the Executive Council of the Viceroy and the Heads of Provincial Governments. Financial and other details were worked out in small committees and an agreed scheme was evolved which was embodied in the Report on Indian Constitutional Reforms, 1918, ably drafted by Mr. (later, Sir William) Marris.

It appears, however, that the main object of

¹ Four days before the Report was actually signed the Viceroy told Mr. Montagu, that the scheme was his and the report were also his and "that the Reforms would always be known as the Montagu-Chelmsford Reforms, but that it being in India, he felt he must sign first." (Montagu : An Indian Diary, page 360). Mr. Montagu pointed out constitutional difficulties and ultimately suggested that the two signatures may be put side by side, in the same line.

² For names of the members of the Mission and others associated with the enquiry, see footnote 2 on page 545, *supra*.

Mr. Montagu's visit was neither to determine the views of the people nor to gather materials for formulating his own plans. Indian proposals had been before the Government for nearly a year and no new suggestions were put forward by Indian public men before the Montagu Mission ; and the Secretary of State had already made up his mind before he landed in India and had a scheme—at any rate, in broad outlines—up his sleeves. His chief endeavour in India was to work in such a way as—in his own words—"to let the whole thing come from the Indian Government themselves."¹ In this he was largely unsuccessful. The Viceroy was unwilling to move without his Executive Council and the members of the Council were very conservative and difficult to move. Consequently, Mr. Montagu had to assume the lead and to exert himself to the utmost to make the Government of India go as far as he possibly could. He had moreover to combat the reactionary obstruction of the heads of the two local governments in particular, Sir Michael O'Dwyer of the Punjab and Lord Pentland of Madras ; and to reconcile the members of the superior services to the proposals which were bound to affect their position prejudicially. It took Mr. Montagu over five months to evolve a scheme to which the Government of India was prepared to give its general approval ; and this too he was able to accomplish only by dint of very hard work, by keeping up his spirits under extremely depressing circumstances, by exercising commendable tact and control over his temper, and, above all, by making large concessions to the Services and other recalcitrant elements. To the Services he had to promise large increments in their emoluments, opportunities of rising to high positions, like the new Governorships and also by giving them protection over the heads of their new chiefs, the ministers. The Government of India was appeased by imposing limitations on provincial autonomy and by whittling down responsibility to the peoples of the provinces. Thus the scheme as it finally emerged possessed none of that

¹ Montagu : *An Indian Diary*, page 1.

grandeur which Mr. Montagu had intended it to possess. In his first letter from India to the British Prime Minister he had written :—"My visit to India means that we are going to do something, and something big. I cannot go home and produce a little thing or nothing ; it must be epoch-making or it is a failure ; it must be the keystone of the future history of India"¹ "I would if I could make it clear to those at home that if the results of our deliberations are either something which India will not accept, or a niggling, miserly, grudging safeguard, fiddling with the existing order of things, we shall have defrauded and defrauded irreparably—for they will never believe us again—a vast continent whose history is our glory"²

Very different was the language which the Secretary of State used in informing Mr. Lloyd George of the completion of the Report. "I can, at least, say that it ought not to be disregarded, and it has a principle There is much room for improvement in the workmanship and the proposals, but the report certainly cannot be disregarded. It will be, however, completely out of date unless we proceed with the schemes quickly."³ It took the British Government one and a half years to pass the necessary legislation and another one year to put the reforms into operation. It was only in February 1921 that the Indian Legislative Assembly was formally opened by the Duke of Connaught ; and by that time the non-co-operation movement was in full swing in the country. Like the Morley-Minto Reforms the Montford Reforms too were already out-of-date when they came into force.

The Indian visit of the Secretary of State was however successful in its immediate objective. As stated in a previous chapter,⁴ the situation in India had become very grave in the middle of 1917. At the same time the War situation in Europe had reached a most critical stage. In the opinion of the

¹ Montagu : *An Indian Diary*, page 8.

² *Ibid*, pages 10 & 11.

³ *Ibid*, page 362.

⁴ See Chapter XXV.

British Government it was imperative that the trouble in India should not develop and that India should be induced to give more help in the prosecution of the War. The announcement of August 20, 1917 and the visit of Mr. Montagu succeeded in diverting the attention of the people from agitation to personal pressure upon the Secretary of State and his associates. Writing on February 28, 1918, Mr. Montagu claimed that even if he failed to evolve an agreed scheme he had done something for which the Cabinet at Home ought to be grateful to him :—"I have kept India quiet for six months at a critical period of the War ; I have set the politicians thinking of nothing else but my mission."¹ He had done more. He had rallied round him a batch of Indian leaders who believed in the sincerity of his purpose and who were willing to lend him their full support. Mr. Montagu was convinced that it was essential to get "a nucleus of people who will support us otherwise I do not see how I can assure the Cabinet that our scheme will be worked by any section in India."² In his scheme of December 12, 1917,³ he included the following as a separate item :—"A new organisation of Indians to be collected, assisted in every possible way by the Government, for propaganda on behalf of our proposals, and to send a delegation to England to assist us."⁴ He talked to Mr. (later Sir) Bhupendranath Basu and Sir (later Lord) Satyendra Sinha on the matter :—"We talked about the formation of a moderate party ; they were very enthusiastic ; and talked about editing newspapers, and so forth. I think they mean business."⁵ They did : Within a few months the Moderate Party came into existence with a separate organisation and separate provincial and all-India conferences.

II.

The Report on Indian Constitutional Reforms was published on July 8, 1918. It had recommended the appoint-

¹ Montagu : An Indian Diary, page 288.

² *Ibid*, page 134.

³ *Ibid*, pages 102 to 104.

⁴ *Ibid*, page 104.

⁵ *Ibid*, page 217.

ment of three committees to go into certain questions in detail which it was not possible for the joint authors themselves to do. Two of them, the Franchise Committee and the Committee on the Division of Functions, were appointed on September 27, 1918, both under the presidentship of Lord Southborough. A separate Chairman, Mr. Richard Feetham, was appointed for the Functions Committee. The two Committees began their work early in November and submitted their reports before the end of February 1919. On March 5th, 1919, the Government of India addressed to the Secretary of State its First Dispatch on Indian Constitutional Reforms, reviewing in detail the recommendations of the Montford Report and stating its own views on them. The Dispatch was signed by all the members of the Government subject to minutes by two persons—a minute of personal explanation by Lord Chelmsford and a long and powerful minute of dissent by the only Indian Member of the Council, Sir C. Sankaran Nair. The Government of India embodied their views on the Report of the Functions (Feetham) Committee in a dispatch, dated the 16th April, 1919, known as the Fourth Dispatch of the Government of India, which was signed by all members of the Government, again subject to a minute of dissent by Sir Sankaran Nair. A week later, the Government of India forwarded its views on the Franchise Committee in what is known as the Fifth Dispatch, dated the 23rd April, 1919. Two members of the Council, Sir Sankaran Nair and Sir William Vincent, appended separate minutes of dissent.

The third committee recommended by the Montford Report was appointed in February 1919 and was presided over by the Marquess of Crewe. It was asked to review the Home Administration of Indian Affairs and to suggest any changes that it may deem advisable in the system of control exercised from England and in the machinery existing for the purpose. The Committee submitted its report in June 1919 and was signed by six members; Mr. Bhupendranath Basu wrote a separate Minute of Dissent, Sir James Brunyate and Professor Keith appended separate Memoranda to the report and

Mr. Gosling was unable to join in the consideration of the report due to pressure of other work. Thus the work of enquiry was completed and the British Government had before it full materials to frame the necessary legislation. As a matter of fact the work of drafting had begun soon after the publication of the Montford Report, and the Government of India Bill, 1919, was introduced in the House of Commons early in June. On June 5, 1919, Mr. Montagu moved "That the Bill be now read a second time". After the Second Reading was over the two Houses agreed to refer the Bill to a Joint Select Committee. On July 3rd, 1919, the Joint Select Committee, consisting of seven members of the House of Commons and seven of the House of Lords, with Lord Selborne as the President, was appointed.

The Committee began its work by studying the various reports and dispatches. It received both written memoranda and heard oral representations. It examined a large number of important witnesses, official and non-official, English and Indian. Among the official witnesses may be mentioned, Sir James Meston, Sir Thomas Holderness, Sir Frank Sly, Sir Murray Hammock, Sir William Duke, Sir William Meyer, Sir James Brunyate; among other Englishmen may be mentioned Sir M. O'Dwyer and Mr. Lionel Curtis of the Round Table Group; and among the Indians may be mentioned Sir Surendranath Bannerjee, Mr. Srinivasa Sastri, Mr. V. J. Patel, Mr. Bal Gangadhar Tilak, Mrs. Sarojini Naidu, H. H. The Agha Khan, Sir Tej Bahadur Sapru, Mr. M. A. Jinnah, Mr. C. Y. Chintamani and Mrs. Annie Besant. Many of the Indian witnesses had gone to England in a representative capacity, as members of the deputations sent by the Moderate Conference, the Indian National Congress and the Home Rule Leagues. The Committee examined the Bill in the light of the evidence received by it and proposed important amendments. It drew up a valuable report which was signed on November 17 and published two days after. The House of Commons considered the Report of the Joint Select Committee in a Committee of the Whole House on December 3rd and

4th and accepted the proposed amendments. The amended Bill was read the third time on December 5, 1919 and passed. The House of Lords passed the measure on December 18, 1919, and the Bill received the Royal Assent on December 23rd, 1919. A Royal Proclamation was issued on the same date to the Princes and the people of India announcing the enactment of the measure, the establishment of a Chamber of Princes and amnesty to the political prisoners.

The Government of India Act, 1919, was thus put on the Statute Book in December 1919. But before it could come into force it had to be supplemented by Rules, which the Government of India was empowered to make subject to the sanction of the Secretary of State for India and the nominal approval of the Parliament. The Parliament had also approved of the suggestion of the Government of India in regard to the appointment of a Financial Relations Committee to advise the Government on question of financial adjustment between the Government of India and the Provincial Governments. A Committee was appointed under the chairmanship of Lord Meston which submitted its report on March 31st, 1920. The Government of India published the Rules framed under the Act on July 20, 1920. Elections to the reformed Legislatures were held in November and the Reforms were introduced in India on January 1st, 1921.

III.

The Reforms of 1919 will remain famous in British Indian history for making a beginning in responsible Government, for associating the Princes with the administration of India especially in matters affecting the Indian States, and for introducing the dyarchical form of government.

The principle of dyarchy was first enunciated in 1915 at the meetings of the London Round Table Group organised by Mr. Curtis ; and it was first worked out in a definite scheme by Sir William Duke. It was popularised in India by Mr. Lionel Curtis and was put as an alternative to the Congress-League Scheme by a number of moderate Europeans and

Indians in a Joint Address to the Secretary of State. Under these circumstances it is rather strange that the Report on Indian Constitutional Reforms, 1918, which examined at length the Congress-League Scheme and condemned it, as both unsound in theory and unworkable in practice, should not have made any reference whatsoever to the Duke Memorandum and should have dismissed the Joint Address in a single paragraph. All the same, it is obvious, that the Montford Scheme is based very largely on the Duke-Curtis proposals.

The Montford Report began by laying down four broad principles to give effect to the policy announced on August 20, 1917. The first of these was :—

*“There should be, as far as possible, complete popular control in local bodies and largest possible independence for them of outside control.”*¹

The policy of developing local self-governing institutions was given a great impetus by the resolution of Lord Ripon on the subject but the progress since then had been lamentably slow. The Decentralisation Commission had made a number of proposals to make local self-government real but the Government of India took several years to make up its mind on the recommendations of the Commission and even then adopted a very cautious and halting attitude. When the correspondence on the Reforms had started, the Government of Lord Chelmsford realised, that it was necessary to speed up the process and to adopt a more liberal policy towards the development of local self-government in the country. The Government of India was still engaged in evolving its policy when the Montagu Mission arrived, and it was not till after Mr. Montagu had left India that the Resolution on Local Self-Government was issued. The policy enunciated by the Resolution of May 1918 has already been described in a previous chapter.² The Montford Report also gives a summary of the proposals contained in the Resolution ; but the joint authors refrained from making any comments mainly for the

¹ The Report on Indian Constitutional Reforms, 1918, page 123.

² See Chapter XX.

reason that the work of deciding the question must be left to the new Provincial Governments. It is for this reason also that the Government of India Act, 1919, does not deal with this subject at all. As already stated¹ the reformed governments in all provinces passed legislation on the subject to carry out the policy outlined in the Resolution of 1918 according to the varying circumstances of each province.

IV.

It was represented to the joint authors of the reforms that they should content themselves with making local self-government real and should await the results of the experiment "before attempting anything more ambitious"; but Mr. Montagu and Lord Chelmsford were of opinion that such a course was "outside the range of practical politics."² They, therefore, proceeded to lay down the second formula:—

*"The provinces are the domain in which the earlier steps towards the progressive realisation of responsible government should be taken. Some measure of responsibility should be given at once and our aim is to give complete responsibility as soon as conditions permit. This involves at once giving the provinces the largest measure of independence, legislative, administrative, and financial, of the Government of India which is compatible with the due discharge of the latter of its own responsibilities."*³

This formula lays down the two main principles of the Montford Reforms:—(1) devolution of authority to provincial governments; and (2) the introduction of partial responsibility in the provinces by dividing the provincial governments into two parts, one responsible to the Secretary of State and the other to the voters in the provinces. This was the way in which Mr. Montagu and Lord Chelmsford proposed to carry out the policy of His Majesty's Government contained in the announcement of August 20, 1917. The Preamble of the Government of India Bill, 1919, was based upon this second

¹ See end of Chapter XX.

² The Report on Indian Constitutional Reforms, 1918, page 125.

³ *Ibid*, page 124.

formula. It was, amended by the Joint Select Committee to include another important part of the August Announcement which referred to "the increasing association of Indians with every branch of the administration" and which had been omitted in the Preamble to the original Bill.

The Preamble of the Government of India Act, 1919, is important for three main reasons:—(1) because it gives legal sanction to the policy of the August Announcement ; (2) because it asserts definitely and clearly the doctrine of Parliamentary sovereignty and responsibility ; and (3) because it defines the scope of the Montford Reforms.

After reciting the formula contained in the August Announcement and emphasising the gradualness of the progress, the Preamble lays down:—

"And whereas the time and manner of each advance can be determined only by Parliament, upon whom responsibility lies for the welfare and advancement of the Indian people."¹

Thus was the claim for "Self Determination", put forward in 1919 by a few advanced nationalists, rejected in the case of India, and the right of the British Parliament to determine "the successive stages," by which the policy of "progressive realisation of responsible government in British India as an integral part of the empire"¹ was to be carried out, definitely and authoritatively laid down. In this connection it is also necessary to point out that future progress was made dependent on the co-operation of Indians and on their ability to shoulder responsibilities.

The last part of the Preamble reproduced the main portion of the second formula of the Montford Report and accepted the interpretation of the joint authors that the introduction of dyarchy and the devolution of authority to the extent proposed by them did constitute a "substantial step" towards the realisation of the policy of the August Announcement.

The Preamble makes no mention of the changes introduced by the Act either in the Central Government or in the

¹ Mukherjee : The Indian Constitution, Part I, page 13.

Home Administration of Indian Affairs. It is difficult to understand the reason of this omission, unless it be to emphasise that these changes do not indicate the transfer of any responsibility or power to the people of India.

V.

It was only in the provincial sphere then that the Montford Reforms intended to introduce any element of responsibility ; but before this could be accomplished it was necessary to demarcate clearly the provincial sphere of activity. For this purpose subjects of administration were divided into two classes—the central subjects and the provincial subjects. Among the central subjects the most important were :—Naval, Military and Aerial matters (i.e. Defence, other than Police) ; Foreign Relations and Relations with the Native States ; Railways (with certain exceptions) Communications of military importance and Posts and Telegraphs ; Currency and Coinage, Public Debt, Sources of Imperial Revenue ; Commerce, Shipping and major ports ; Civil and Criminal Law and Procedure ; Ecclesiastical Administration and All-India Services ; Central Institutions of Scientific and Industrial Research ; and all matters not specifically declared to be provincial subjects. In the list of provincial subjects the most important items were :—Local Self-Government ; Education (with certain exceptions) ; Medical Administration, Sanitation and Public Health ; Public Works, such as Roads, Buildings and Light Railways ; Agriculture ; Development of Industries ; Excise ; Civil Veterinary Department, Fisheries and Co-operative Societies ; Famine Relief ; Land and Revenue administration ; Irrigation, Forests, Administration of Justice, Police, Prisons Inspection of Factories and labour question ; Provincial Borrowing ; and Agency functions.

It must, however, be clearly understood that this division of functions was not so definite or rigid as in federal constitutions. In the first instance, it was provided by the rules, that if any doubt arose as to whether a particular matter did or did not relate to a provincial subject, the question was to be

decided by the Governor-General in Council, whose decision was to be final. Secondly, the Government of India was authorised to use the provincial governments to perform certain agency functions, i.e. the administration of certain central subjects, such as the collection of all-India revenues. Thirdly, the Government of India was empowered to declare any matter, though falling within a central subject to be of a mere local importance and falling within the purview of a provincial government. Lastly, certain provincial subjects were made "subject to Indian Legislation" and the provincial legislatures were not allowed to undertake legislation on such subjects without the previous sanction of the Governor-General in Council. Previous sanction of the Government of India was also required in certain other cases, but they will be mentioned later.

In spite however of these exceptions the separation made was of great importance. Matters of provincial concern were separated from those of all-India importance and the sphere of provincial activity was defined fairly clearly. But a division of functions alone was not sufficient. As was pointed out by the Montford Report :—"If provincial autonomy was to mean anything real, clearly the provinces must not be dependent on the Indian Government for the means of provincial development".¹ It was essential that the provinces should have separate and independent sources of revenue. Mr. Montagu and Lord Chelmsford therefore proposed to abolish the system of divided heads and to divide the sources of revenue into two classes, Imperial and provincial, with a system of provincial contributions to meet the deficit of the Central Government. The provincial contributions were to cease as soon as the Central Government was able to develop its resources to meet its entire expenditure. The financial proposals made by the Montford Report were accepted by the Government of India and the Joint Select Committee of the Parliament ; but both of them felt that the appointment of a small expert committee was necessary to draw up the actual scheme. This was done

¹ The Report on Indian Constitutional Reforms, 1918, page 131.

after the Government of India Act was passed ; and, on the recommendations of the Financial Relations' (Meston) Committee, rules were framed by the Government of India for the division of the sources of revenue and for making financial adjustment with the provinces.

The policy of financial devolution which had begun in 1871¹ reached an important stage in 1921 when the system of "divided heads" was abolished and all the sources of revenue were divided between the Central and Provincial Governments. Land Revenue and income from Excise (spirits and drugs), Irrigation, Forests, Stamps and Registration Fees were assigned to the provinces ; while Customs, Income-Tax, Railways, Post and Telegraphs, Salt and Opium were made Imperial sources. Other sources were also similarly divided between the Central and Provincial Governments. However, to meet the objection of Bombay and Bengal partially, provision was made to give to the provinces 25 per cent of the increment in the provincial collections under Income-Tax, so far as the increase was due to a growth in the amount of income assessed.

It was estimated by the Meston Committee that on the basis of the new division of sources there would be a deficit of Rs. 9,83.06 lakhs in the budget of the Central Government in 1921-22. The question was as to how this should be distributed among the various provinces. The Montford Report had suggested "the realised surplus" as the basis of provincial contributions ; but the Meston Committee felt that this raised questions relating to provincial expenditure which it was impossible for it to decide. In any case it was exceedingly difficult to calculate the normal surplus. "It is too much determined by mere accidents of budgeting in spite of attempts to clear away abnormalities of expenditure. But even if a normal surplus can be agreed at the moment, it tends to be obscured or to disappear in the budgets of succeeding years".² The Meston Committee therefore proposed to assess the initial

¹ The history of financial devolution from 1870 to 1912 is given in previous chapters, see pages 158-63, 210-11 and 418-21, *supra*.

² Report of the Committee on Financial Relations, 1920, Mukherjee : Indian Constitution, Part II, page 552.

contributions on the basis of the actual increase in the revenue of the provinces under the new distribution of sources. The Committee estimated that there would be a net increase of Rs. 18,50 lakhs in the total income of all the provinces taken together. This increase was in the nature of a windfall due mainly to political and not financial causes, and afforded a suitable basis for levying initial contributions.

The Meston Committee, having adopted the new basis, calculated carefully "the increased spending power" of each province and then proceeded to fix its initial contribution taking into account at the same time the special conditions of each province. The following table¹ summarises the recommendations of the Committee :—

Province.	Increased spending power under new distribution of revenues. In lakhs.	Contributions as recommended by the committee. In lakhs.	Increased spending power left after contributions are paid In lakhs.
Madras . . .	5,76	3,48	2,28
Bombay . . .	93	56	37
Bengal . . .	1,04	63	41
United Provinces .	3,97	2,40	1,57
Punjab . . .	2,89	1,75	1,14
Burma . . .	2,46	64	1,82
Bihar & Orissa . .	51	Nil.	51
Central Provinces .	52	22	30
Assam . . .	42	15	27
Total .	18,50	9,83	8,67

The Meston Committee frankly confessed that the basis adopted for calculating the initial contributions was not equitable or ideal—its chief merit was that it caused the least disturbance in the existing arrangements. It was impracticable to suggest ideal schemes at once as they were bound to upset the existing budgetary arrangements. But given the necessary time for adjustment the provinces ought to be in a position to move towards a more equitable system. The Committee considered that the ideal basis for provincial contributions was the

¹ Mukherjee : Indian Constitution, Part II, page 555.

"capacity to pay" which depended on the taxable capacity of the people. It proceeded to estimate this capacity in the case of each province and also the amount contributed by it indirectly in the shape of income-tax and customs in order to fix its standard contribution. The ideal or standard contributions were to be reached in seven years, in six equal steps; but even when they were reached the resentment felt by the provinces was not likely to decrease to any appreciable extent. It was recognised by the Financial Relations Committee, as it had been done by the authors of the Montford Report, that the system of provincial contributions in itself was undesirable and that it should be discarded as soon as practicable. The Committee therefore asked the Government of India to so arrange its finances as to be able to dispense with provincial contributions altogether as early as possible. However, in the meantime, attempt was to be made to make contributions as equitable as possible by the scheme of reaching ideal or standard contributions in seven years. The Government of India adopted the scheme recommended by the Meston Committee after making slight alterations. The original scheme and the alterations made by the Government of India are indicated by the following table:—

Province.	Initial contributions to be paid in 1921-22 In lakhs.	Percentage of initial contributions to the total.	Percentage of standard contributions to the total as recommended by the Meston Committee.	Standard percentage as finally fixed by the Government of India.
Madras . . .	3,48	35½	17	17/90
Bombay . . .	56	5½	13	13/90
Bengal . . .	63	6½	19	19/90
United Provinces .	2,40	24½	18	18/90
Punjab . . .	1,75	18	9	9/90
Burma . . .	64	6½	6½	6½/90
Bihar & Orissa .	Nil.	Nil.	10	Nil.
Central Provinces .	22	2	5	5/90
Assam . . .	15	1½	2½	2½/90
Total .	9,83	100	100	90

VI

Such then was the division of functions and the sources of revenue made by the Rules framed under the Government of India Act, 1919. The Financial Settlement of 1921 was made with nine provinces, including Burma, although the new system of government created by the Act of 1919 was introduced only in eight provinces to begin with—it was extended to Burma in 1922 and to the North-Western Frontier Provinces in 1931.

The Montford Reforms created a uniform system of government in eight provinces—in the three presidencies of Bengal, Madras and Bombay and in the five provinces known as the United Provinces, the Punjab, Bihar & Orissa, the Central Provinces, and Assam. All the eight provinces, called the "Governor's provinces", were brought more or less¹ on the same level, except that the Governors of the five provinces mentioned last in the above list, were to be appointed after consultation with the Governor-General, as they were expected to be recruited from among the senior members of the Indian Civil Service.

In each of the eight provinces was introduced the dyarchical form of government by dividing the provincial subjects into two classes—the "reserved" and the "transferred" subjects. Among the transferred subjects were included Local Self-Government; Education (with certain exceptions); Medical Administration, sanitation and public health; Public Works, such as roads, buildings and light railways; Agriculture; Development of Industries; Excise; and Civil Veterinary Department, fisheries and co-operative societies. In the list of reserved subjects were included Famine Relief; Land Revenue, prison and reformatories; Control of Newspapers and Presses; Inspection of Factories, etc., and labour questions; and Agency functions. The responsibility for the proper administration of the reserved subjects was retained by the Act of 1919 with the people of England through the Secretary

¹ The privilege of direct communication enjoyed by the Governors of the Presidencies was not extended to the Governors of the new Governor's provinces, nor were the salaries of the Governors equalised—it still varied from province to province.

of State and the British Parliament ; while the responsibility for the good government of the transferred subjects was handed over to the voters in the provinces through the provincial legislative councils. Under these circumstances it was not possible to grant full provincial autonomy to the provinces—it was only in the case of the transferred subjects that there was any real relaxation of control by the Secretary of State and the Government of India.

It was laid down by the Joint Select Committee that “no statutory divestment of control, except over the transferred field, is either necessary or desirable. It is open to the Secretary of State to entrust large powers, administrative and financial, to the Governor-General in Council and the Provincial Governors in Council But these matters cannot be regulated by statutory rules, and any authority which the Secretary of State may decide to pass on to the official governments in India will be a mere delegation of his own authority and responsibility, for the exercise of which in relation to central and reserved subjects he must remain accountable to Parliament”.¹ However, the Committee suggested the growth of a convention to the effect that “where the provincial government and the legislature are in agreement, their view should ordinarily be allowed to prevail”² and that the Government of India and the Secretary of State should refrain from interfering in such cases except perhaps to safeguard the interests of the central subjects. In this connection it is necessary to draw attention to the distinction between purely provincial subjects that are reserved and the agency functions which the Governors in Council are required to perform on behalf of the Central Government. In the latter case the provincial governments are merely acting as agents ; the Central Government retaining full control over the subjects.

In the case of the transferred subjects it was recommended by the Joint Select Committee that the control of the Governor-

¹ Chuni Lal Anand : The History of Government in India, Part II, page 265.

² Mukherjee : The Indian Constitution Part II, page 524.

General in Council, and thus of the Secretary of State, should be restricted in future within the narrowest possible limits".¹ Statutory rules were framed for the purpose according to which the powers of superintendence, direction and control vested in the Governor-General in Council were to be exercised only for the following purposes :—

- “(1) To safeguard the administration of central subjects.
- (2) to decide questions arising between two provinces, in cases where the provinces concerned fail to arrive at an agreement ; and
- (3) to safeguard the due exercise and performance of any powers and duties possessed by, or imposed on, the Governor-General in Council under, or in connection with, or for the purposes of, the following provisions of the Act, namely S. 29A, S. 39 (1A), Part VIIA, or of any rules made by, or with the sanction of, the Secretary of State.”²

The Secretary of State for India could exercise his powers of superintendence, direction and control in the three cases already stated and also :—

- (4) “to safeguard Imperial interests” ; and
- (5) “to determine the position of the Government of India in respect of questions arising between India and other parts of the Empire”.³

The Devolution Rules thus definitely restricted the control of the Secretary of State and the Government of India over the transferred subjects to certain specified cases. But in actual practice the control or the influence of the Secretary of State is not confined to them alone. On the other hand, it extends through the Public Services and the Finance Department to the whole transferred sphere. As pointed out by Sir Tej Bahadur :—the “Ministers have no power of control over

¹ Mukherjee : The Indian Constitution, Part II, page 524.

² Rule 49 of the Devolution Rules, quoted in Sapru : The Indian Constitution. The Sections of the Act referred to relate to the fulfilling of contracts, particularly in relation to appointments and provincial loans raised through the High Commissioner or the Secretary of State, etc.

³ Quoted in Horne : The Political System of British India, page 92

members of the All-India Services ; they cannot select their Secretaries from outside the Services whose interests are protected".¹ The Finance Department in every province is also run and controlled by the members of the Public Services. Although the Government of India Act, 1919, does not debar a Minister from holding the Financial Portfolio, the Devolution Rules have provided that the Finance Department should always be in-charge of a member of the Executive Council, who is ordinarily a member of the Indian Civil Service. The Financial Secretary is also always a member of the Indian Civil Service. Thus the Finance Department is controlled in every province by members of the Public Services who are under the full control of the Secretary of State in Council. The Finance Department exercises very important powers and it controls the finances of both the reserved and the transferred departments. Rule 37 of the Devolution Rules enumerates the functions of the Finance Department ; It is not necessary to give the whole list here : it is enough to state that all proposals for the increase or decrease of taxation, for raising loans, for new expenditure, etc., are first scrutinised by the Finance Department and it acts as a guardian of all special funds and accounts. It advises on all financial matters and helps in preparing the budget. The Ministers have no right to propose increase or decrease of taxation. "They must submit schemes of new expenditure to the Finance Department which examines and advises on them. The Finance Department is bound to decline to provide in the estimates for any scheme which it has not examined."² Such is the extent of the control, which the Finance Department directly and the Government of India and the Secretary of State indirectly, exercise over the administration of transferred departments.

As already stated, the Montford Report had recommended the giving of the largest measure of independence to the provinces in all the three spheres of government, administrative, financial and legislative. The rules relating to administra-

¹ Sapru . The Indian Constitution, page 23.

² *Ibid*, page 24.

tive devolution have already been described above. The Devolution Rules also provided for financial and legislative devolution. To begin with the relaxation of financial control :— The provinces were given the power to frame their budgets subject to the provision of supplying information on certain points to the Government of India. As already stated the provinces were assigned separate sources of revenue ; they were also given the power of levying fresh taxes—without previous permission in case of new taxes detailed in schedule I. For other new taxes permission of the Government of India was still considered necessary. The provincial governments were also permitted to raise loans in the open market on the security of provincial revenues for capital expenditure on works of lasting public utility, for irrigation works, for famine relief, etc. But for each loan—with the amount definitely fixed, the rate at which the loan was to be issued, and the arrangements proposed for its repayment—sanction of the Government of India was required. No rules were laid down for the relaxation of control over the expenditure of the reserved departments but in the case of the expenditure on the transferred departments statutory rules were framed to relax the control of the Secretary of State and the Government of India—in place of which the control of provincial legislatures was substituted. However provision was made by the Devolution Rules to safeguard the salaries, pensions and other emoluments of the public services and the right to purchase the stores from the United Kingdom.

Proceeding to the subject of legislative devolution it should be pointed out that the Government of India Act, 1919, gave power to the provincial legislatures to make laws for the peace and good government of the province. No previous sanction of the Governor-General was necessary to legislate on provincial subjects except in the case of those provincial subjects which were subject to Indian legislation. However, previous sanction of the Governor-General was required in a number of other cases, such as, legislation on central subjects, legislation to impose new taxes not included in the approved

list, legislation to alter or repeal Acts made before 1919 by any authority other than the provincial legislature, and legislation to alter or repeal Acts made by the Government of India since 1919.

The Governors were also required to reserve certain kinds of Bills passed by the provincial legislature for the consideration of the Governor-General ; and the Act of 1919 also gave power to the Governor-General to veto any Bill passed by a provincial legislature.

VII

The devolution of authority carried out by the Rules framed under the Government of India Act, 1919, and described in the preceding section, did not give the provinces an independent position. The Act of 1919 required the provincial governments to pay due obedience to the orders of the Governor-General in Council and to keep the Government of India "constantly and diligently" informed of their proceedings and of other important matters. Nevertheless an important step had been taken towards provincial autonomy.

The next and decidedly the more important step recommended by the second formula of the Montford Report was the introduction of partial responsibility in eight provinces. For this purpose the Government of India Act, 1919 divided the subjects of provincial concern into two parts, the "reserved" and the "transferred," and placed the administration of each part under separate hands. The government of the reserved subjects was to be conducted by the Governor in Council and that of the transferred subjects by the Governor acting with Ministers. Each provincial government was thus dyarchical or dual in form, consisting of the Governor in Council and the Governor and Ministers—joined together by the common personality of the Governor, though each part accountable to separate and distinct sets of people—the British electors in the one case and the provincial voters in the other.

As stated by the Joint Select Committee the Governor was the pivot of the new system of provincial government.

He was appointed for a term of five years by His Majesty by Warrant under the Royal Sign Manual—usually from among public men in England in the case of the three presidencies and ordinarily from among the senior men in the public service in the case of the other five provinces. In the latter case previous consultation with the Governor-General was required by Statute. The members of the Executive Council were also appointed by His Majesty for five years and on a salary fixed by the Act itself. The maximum number of members of the Executive Council was fixed by the Government of India Act at four, but it was the opinion of the Joint Select Committee that it would not be necessary to appoint more than two persons in most of the provinces. It was provided by statute that at least one member of the Council must be a civilian of not less than 12 years' standing. No statutory provision was however made for the appointment of Indians to the Executive Council, but it was understood that one of the two members must be a non-official Indian. In case two Europeans were appointed to the Executive Council, the Joint Select Committee recommended the appointment of two non-official Indians as well.

Ministers were appointed by the Governor from among non-official gentlemen who should either be elected members of the local legislature or should become elected members within six months of their appointment ; and who, in the words of the Joint Select Committee, should be enjoying the confidence of the legislative council and be capable of leading it. The status of the Ministers was to be the same as that of the Executive Councillors and they were to be paid the same salary as that given to the members of the Executive Council—subject, of course, to the vote of the Legislative Council which may lower it, if it considers necessary. The Act provided that "any minister so appointed shall hold office during . . . [the Governor's] pleasure."¹ No maximum number

¹Mukherjee : The Indian Constitution, Part I, page 228. "A person holding office during pleasure can be removed without any reason for his removal being assigned." *Ibid*, page 229.

was fixed by statute in the case of the ministers but it was pointed out by the Joint Select Committee "that in no province will there be need or less than two ministers, while in some, more will be required."¹ Provision was also made in the Act for the appointment of Council Secretaries at the discretion of the Governor to assist members of the Executive Council and the Ministers in a similar way as the Parliamentary Under-Secretaries in England. Council Secretaries were to be appointed from among the non-official members of the legislative council and they were to be paid such salaries as voted by the council.

The administration of the "reserved" subjects was to be carried on by the Governor in Council according to rules made by the Governor. In cases of difference of opinion in the Executive Council matters were to be decided by majority vote. If the Council was equally divided the presiding gentleman had the right to give a second or the casting vote. However, the Governor was given by statute the power of over-riding the decision of the majority of his Council, if, in his opinion, "the safety, tranquillity or interests of his province or of any part thereof "were essentially affected."²

According to the Government of India Act, 1919, the administration of the transferred subjects was to be carried on by the Governor on the advice of his ministers, but he had the right to disregard the advice tendered by the ministers and to act as he deemed fit. The ministers, on the other hand had the option of resigning. "In the last resort the Governor can always dissolve his legislative council and choose new ministers after a fresh election; but if this course is adopted" the Joint Select Committee, had hoped "that the Governor will find himself in a position to accept" the views of his new ministers "regarding the issue which forced the dissolution."¹ However, in cases of emergency, which had to be certified and intimated to the Governor-General, the Governor possessed the power of not filling ministerial vacan-

¹ Mukherjee : The Indian Constitution, Part II, page 512.

² *Ibid*, Part I, page 226.

cies and of resuming himself *temporarily* the administration of the transferred subjects. This power was reinforced by the provision made by the rules in this connection by which the Governor-General, with the previous sanction of the Secretary of State, was authorised to revoke or suspend the transfer of a provincial subject for a definite period.

It is no doubt strange that the Montford Reforms should have made no provision for the joint or cabinet meetings of ministers. The Instrument of Instructions issued to the Governors did not require the Governor of a province to consult the ministers together or to convene cabinet meetings of ministers. Under the Act the ministers were to be appointed separately by the Governor and were to be responsible individually to the legislature. It was left entirely to the discretion of the Governor whether to choose his ministers from members of one political party or from members of more than one party or even from gentlemen who belonged to no particular party at all, and also whether he would consult them together or separately. It was left to the ministers to establish the practice of acting in concert by resigning in a body when one of them had been forced to resign. It is no doubt true that the Joint Select Committee had expected the ministers "to act in concert together" and had recommended that this "should be recognised on the face of the Bill"¹ but nothing was actually done in this connection. The Instrument of Instructions however provided that the Governor should act as a guide to his ministers and advise them in regard to their relations with the legislative council and to support them generally as far as possible. He was to keep them in office so long as he was not convinced that they had lost the confidence of the Council.

The Government of each province was thus divided into two parts and the sphere of each part was clearly demarcated. Cases of doubt, as to whether any particular matters belonged to the reserved or to the transferred departments, were to be

¹ Mukherjee : The Indian Constitution, Part II, page 512.

settled by the Governor, whose decision was to be final. However, there was one subject which was kept common. It was finance. It concerned both the parts equally, and on it depended to a large extent the efficient working of the two parts.

The Montford Report after considering the various methods had finally proposed "that the provincial budget should be framed by the executive government as a whole. The first charge on provincial revenues will be the contribution to the Government of India ; and after that the supply for the reserved subjects will have priority. The allocations of supply for the transferred subjects will be decided by the Ministers. If the revenue is insufficient for their needs the question of new taxation will be decided by the Governor and ministers."¹ These proposals had safeguarded the position of the reserved subjects but had left the transferred departments without adequate protection. The Government of India however felt, that, under the system of "joint purse" proposed in the Montford Report, the interests of the reserved subjects would suffer as the question of proposing new taxation was left entirely in the hands of the Governors and ministers, who were not likely to propose fresh taxation for their benefit. They feared that under joint purse there would be inevitable friction between the two parts of the provincial government and that there would be no incentive for either part to improve the provincial resources. They regarded the system of joint purse as both unworkable in practice and wrong in theory. Under it "each section of the Government intrudes upon the work of the other in a manner which is wholly indefensible."² The Government of India therefore opposed the "Joint Purse" scheme in their First Reforms Dispatch and proposed a system of "Separate Purse" for each part of the provincial government. They proposed the division of funds between the two sections for a definite period—each part was to depend mainly upon the income of the departments under its control and a

¹ The Report on Indian Constitutional Reforms, 1918, page 165.

² Mukherjee : The Indian Constitution, Part II, page 88.

share of the provincial balances, etc. In case this division resulted in giving less revenue to one part than was necessary to meet its normal requirements the difference was to be made good by an assignment from the revenues of the other part. The Government of India claimed that their scheme was free from all those objections urged by them against the pooling system and that it possessed a number of advantages. The scheme, they claimed, was "both workable and simple." "It allows each half of the government to forecast its expenditure with a sure knowledge of the revenue which will be available to cover it It is compatible with their enjoying the proceeds of their own taxation, obtaining their own loans," etc. "It gives each half a direct interest in improving the sources of revenue Finally, it narrows down, to the mere question of a single adjusting figure, the field of financial conflict and thus largely reduces the opportunity for friction inherent in the scheme of the Report."¹

The Joint Select Committee did not agree with the Government of India. They considered the division of sources both impracticable and undesirable and recommended in cases of necessity the allocation of a definite proportion of the revenue to each part of the government. Ordinarily, however, the members of the Committee were confident "that the problem can readily be solved by the simple process of commonsense and reasonable give-and-take"; but they proceeded to make full provision for the settlement of all cases of friction and deadlock, to make things doubly sure. "They advise that, if the Governor, in the course of preparing either his first or any subsequent budget, finds that there is likely to be a serious or protracted difference of opinion between the executive council and his ministers on this subject, he should be empowered at once to make an allocation of revenue and balances between the reserved and transferred subjects." However, "if the Governor desires assistance in making the

¹ Mukherjee : The Indian Constitution, Part II, page 91. Sir Sankaran Nair had opposed the scheme of the Government of India in his dissenting minute mainly because it would deny the popular section the opportunity of influencing the expenditure on the reserved departments.

case was very different with the provincial legislature. Ultimately the provincial legislative council was to occupy the most important position in the constitution of the province as the declared policy was to institute responsible government in the country. Under a system of parliamentary or responsible government the key position must necessarily be held by the legislature which stands midway between the people and the government. It was for this reason that the Montford Report attached great importance to the reform of the legislatures. Mr. Montagu and Lord Chelmsford summed up their proposals in a single sentence. "We propose there should be in each province an enlarged legislative council, differing in size and composition from province to province, with a substantial elected majority, elected by direct franchise, with such communal and special representation as may be necessary."¹

The authors of the Report on Indian Constitutional Reforms, 1918, rejected the proposal of establishing second chambers in the provinces, at any rate, for the time-being, as both impractical and injurious. They were afraid that sufficient number of suitable members for two houses would not be available in most of the provinces. "We apprehend also that a second chamber representing mainly landed and moneyed interests might prove too effective a barrier against legislation which affected such interests."² And they were afraid that the delay involved in passing legislation through two houses would make the system far too cumbrous³ for provincial legislation. They however admitted some of the theoretical advantages of second chambers and were prepared to concede that they may become necessary later—when "the provincial councils approach mere closely to Parliamentary forms." But, for the time being it was considered sufficient to propose the enlargement of the provincial legislative councils and to make them more representative than the Morley-Minto Councils.

According to the Rules framed under the Government

¹ The Report on Indian Constitutional Reforms, 1918, page 146.

² *Ibid*, page 166.

³ *Ibid*, page 167.

of India Act, 1919, the strength of the Governor's Legislative Councils was fixed as follows:—Bengal 139; Bombay 111; Madras 127; United Provinces 123; the Punjab 93; Bihar and Orissa 103; Central Provinces 70; and Assam 53—in all 819. It was recommended by the Montford Report that not more than 20 per cent of the members should be official and not less than 70 per cent elected. Some of the members were to be nominated non-officials mainly to give representation to certain classes and interests which were not otherwise represented. These recommendations were accepted by the Joint Select Committee and the Parliament and effect was given to them by the Rules framed under the Government of India Act, 1919.

The system of elections recommended by the Montford Report was a direct one and was to be based on as broad a franchise as possible. It was however to provide for the separate representation of certain communities and special interests by means of communal and special electorates. The authors of the Montford Report were convinced that separate communal electorates were injurious to the development of responsible government, to the growth of civic sense in the people and to the progress of the backward communities. They were bound to stereotype the relations existing between members of the different communities and to perpetuate the backward condition of the minorities by removing all incentives to self-exertion and progress. All the same Mr. Montagu and Lord Chelmsford felt it necessary to maintain them in the case of Mohammedans mainly on account of the pledges given to them at the time of the Morley-Minto Reforms. But, they wrote, "we see no reason to set up communal representation for Mohammedans in any province where they form majority of the voters."¹ Other communities naturally pressed the Montagu Mission to extend the system to them as well—"the Sikhs in the Punjab, the non-Brahmins in Madras (although in that presidency they actually constitute a majority), the Indian Christians, the Anglo-Indians, the Europeans, and the

¹The Report on Indian Constitutional Reforms, 1918, page 149.

Lingayat community in Bombay''¹ all pressed their claims. The authors of the Montford Report were opposed to a general extension of the communal system and rejected the demands of these communities, with one exception—from whom they felt "it is inexpedient to withhold the concession. The Sikhs in the Punjab are a distinct and important people ; they supply a gallant and valuable element to the Indian Army ; but they are everywhere in a minority, and experience has shown that they go virtually unrepresented. To the Sikhs, therefore, and to them alone, we propose to extend the system already adopted in the case of Mohammedans."¹ But once the principle was accepted in the case of the Moslems and the Sikhs, it was impossible to deny it in the case of other communities and the Franchise Committee recommended the extension of communal electorates to Indian Christians in Madras, to Europeans in Madras, Bombay, Bengal, the United Provinces and Bihar and Orissa, and to Anglo-Indians in Madras and Bengal. The Joint Select Committee considered the cases of the non-Brahmins in Madras and the Marathas in Bombay also favourably and recommended the reservation of seats for them in plural member constituencies.

Thus the rules framed under the Government of India Act, 1919, gave separate communal electorates to the Moslems, Sikhs, Indian Christians, Europeans and Anglo-Indians and reservation of seats in plural member constituencies to the non-Brahmins and the Marathas. They also made provision for the special representation of the landlords, commerce and industry, planting and mining interests, and the universities by means of special constituencies. Provision was made for the representation of the depressed classes, labour, etc., through nomination. But no provision was made for the representation of women, as the matter was considered too delicate to be decided by foreigners: it was left to the decision of the reformed councils themselves.

Still one more distinction was made for purposes of election in the new constitution. It was between town and

¹ The Report on Indian Constitutional Reforms, 1918, page 150.

country, between urban and rural constituencies. The Government of India was dissatisfied with the treatment of the question by the Franchise Committee. They wrote in their Fifth Dispatch :—“The point is an important one and requires reasoned treatment . After religion and race, the boundary between town and country is the greatest dividing line that runs through the Indian people. It corresponds closely with the division between progress and conservatism ; between English education and vernacular ; between experience of self-government and lack of such experience ; between the existence of newspapers, professions, bar, libraries, societies, etc., and their absence.”¹ This argument ought to have led the Government of India to propose a large increase in urban representation. According to their own statement the urban classes were thus the fittest to send members to the Councils and also to supply candidates to rural areas.² But the Government of India desired more pliant and conservative Councils and they recommended a heavy reduction in the seats assigned by the Franchise Committee to urban areas. The following table brings out the difference between the proposals of the Franchise Committee and those of the Government of India :—

Names of Provinces.	Percentage of total population living in towns of over 5,000 inhabitants.	Percentage of urban seats in General, Non-Moslem, Moslem and Sikh Seats.	
		As recommended by the Franchise Committee.	As recommended by the Government of India.
Madras . . .	16	15	6
Bombay . . .	20	22	18
Bengal . . .	8	23	6
United Provinces	9	14	8
Punjab . . .	12	18	10
Bihar & Orissa .	5	14	2
Central Provinces	8	18	2

¹ Residential qualifications were imposed upon candidates seeking election in Bombay, the Punjab and the Central Provinces.

² Mukherjee : The Indian Constitution, Part II, page 464.

The Joint Select Committee also favoured an increase in the representation of the rural areas.

Before giving the number of seats actually assigned by the Rules of July 20, 1920 to various communities, interests etc., two facts may be mentioned, (1) that the authorities accepted the Lucknow Pact of December 1916¹ for allocating the Moslem seats in the various provinces; and (2) that the Governor was given power to nominate two (in case of Assam, one) experts as ordinary members for the time being for each important Bill, to help the Council in dealing with the measure. In the following tables an attempt has been made to give the relevant figures in regard to the composition of the legislative councils in the various provinces:—

1. Table showing the composition of the various provincial Legislative Councils:—

Legislative Council of :—	Nominated members			ELECTED MEMBERS.													Total number of elected members	Total number of members
				Through General constituencies	Through Communal Electorates						Through special constituencies							
	Official	Non-official	Total		Moslem	Sikh	Indian Christian	European	Anglo Indian	Total	Landlord	University	Commerce Etc.	Total				
1. Madras ..	23	6	29	65	13	..	5	1	1	20	6	1	6	13	98	127		
2. Bombay ..	20	5	25	46	27	..	..	2	...	29	3	1	7	11	86	111		
3. Bengal ..	20	6	26	46	39	.	.	5	2	46	5	1	15	21	113	139		
4. United Provinces ..	18	5	23	60	29	.	...	1	..	30	6	1	3	10	100	123		
5. Punjab ..	16	6	22	20	32	12	...	.	..	44	4	1	2	7	71	93		
6. Bihar and Orissa ..	20	7	27	48	18	...	...	1	..	19	5	1	3	9	76	103		
7. Central Provinces ..	10	6	16	40	7	...	...	...	...	7	3	1	3	7	54	70		
8. Assam ..	9	5	14	21	12	...	..	...	...	12	...	...	6	6	39	53		

¹ See page 537, *supra*.

2. Table showing the division between Urban and Rural Constituencies :—

Legislative Council of :—	Through Urban constituencies				Through Rural constituencies				Total Urban and Rural
	Moslem	Sikh	Non-Moslem	Total Urban	Moslem	Sikh	Non-Moslem	Total Rural	
1. Madras ..	2	..	9	11	11	..	56	67	78
2. Bombay ..	5	..	11	16	22	..	35	57	73
3. Bengal ..	6	..	11	17	33	..	35	68	85
4. United Provinces ..	4	..	8	12	25	..	52	77	89
5. Punjab ..	5	1	7	13	27	11	13	51	64
6. Bihar and Orissa ..	3	..	6	9	15	..	42	57	66
7. Central Provinces ..	1	..	9	10	6	..	31	37	47
8. Assam ..	..	..	..	1	12	..	20	32	33

The legislative councils in the provinces were thus considerably enlarged and made more representative of the various communities and interests. The proportion of elected members was made very much higher: they were everywhere in a substantial majority. In all the councils taken together they formed 77.8¹ per cent. of the total number. However, the new councils could not be called democratic or really representative of the people as such. The franchise, although it was made direct, was kept very narrow. The number of persons who were enfranchised in 1920 was only 5.3 millions out of a total population of 241.7 millions or just over 2 per cent of the people,² or 8.8 per cent of the males over 20 years of age. The percentage of voters to the adult male population varied from province to province—it was highest in the United Provinces, 11.8., and lowest in Bihar and Orissa 3.9.³

¹ Mukherjee: The Indian Constitution, Part I, page 310.

² India in 1922-23, Chart facing, page 53.

³ Report of the Reforms Enquiry (Muddiman) Committee, 1924, page 129.

The qualifications for the voter varied from province to province and in urban, rural and landlord constituencies, but the disqualifications were the same in all cases, namely that a person who (a) was not a British subject ; or (b) was a female ; or (c) had been adjudged by a competent court to be of unsound mind ; or (d) was under 21 years of age was not entitled to have his name entered on the electoral roll. Persons convicted of a criminal offence punishable with imprisonment for a term exceeding six months, or of corrupt practices were disqualified for five years. The Local Government was empowered to remove the last disqualification and also disqualification (a) in the case of the subjects and rulers of Indian States. The provincial legislatures had the power to admit women to the vote by means of a special resolution to that effect.

If a person was not disqualified and possessed the qualifications prescribed for each type of constituency he was entitled to have his name registered on the electoral roll of the constituency for which he was qualified. The qualifications prescribed for voters in general constituencies were as follows:—Residence in the constituency during the previous twelve months and *either* payment of municipal taxes, amounting, in most cases, to not less than Rs. 3¹ per annum ; or (b) occupation or ownership of a house of the annual rental value of Rs. 36² per annum in the majority of the provinces ; or (c) assessment to income-tax on an annual income of not less than Rs. 2,000 in the case of urban constituencies ; and in rural constituencies, the holding of agricultural land assessed at an annual value, as a rule, of from Rs. 10 to Rs. 50 per annum.³ Military service was also regarded as a qualification for the vote in all provinces and persons holding the office of *lambardar* or village headman were also entitled to vote in the Punjab and the Central Provinces. The chief quali-

¹ The amount fixed in the large cities—Calcutta, Bombay and Madras—was very much higher.

² Considerably lower amounts were fixed for Mohammedans in Bengal, and in Bihar and Orissa.

³ In the United Provinces, the amount was Rs. 25 per annum.

fications for the vote in a landholders' constituency was the possession of a landed estate assessed to land revenue varying from Rs. 500 (in the case of the Punjab) to Rs. 5,000 (in the case of the United Provinces). In university constituencies all graduates of over seven years' standing were given the vote. For other special constituencies the members of the respective associations organised to protect special interests—such as Chambers of Commerce, Milliowners' Associations, Planters' Associations, etc.—were given the vote.

No special qualifications were required from the candidates seeking election to the provincial legislatures, except that they were not less than 25 years of age and were voters or qualified to be voters in the constituency⁴ for which they were standing, provided they did not possess the disqualifications. In addition to the disqualifications mentioned in the case of electors there were some others—such as insolvency or dismissal or suspension from legal practice, etc.—which were also prescribed in the case of candidates.

Elaborate rules were laid down for the holding of elections and for securing their purity. Stringent provisions were made by legislation for putting down the use of corrupt practices. Arrangements were made for the settlement of election disputes by Commissioners appointed by the Governor for the purpose. Orders of the Governor, which were to be in accordance with the report of the Commissioners, were to be final.

The new legislative councils were thus elected bodies though the system of election was not purely territorial. The official element though small and in a definite minority was not unimportant. It could wield great influence with the help of nominated members and members elected through special and communal electorates.

The legislative council in a Governor's province was constituted for three years ; but it could be dissolved earlier, if the exigencies of parliamentary government made it neces-

¹ Residential qualifications were imposed on the candidates only in the three provinces of Bombay, the Punjab and the Central Provinces.

sary. The life of the council could also be extended by the Governor under special circumstances up to a maximum period of one year. The Governor was given the power of summoning, proroguing, and dissolving the council and of fixing the time and place of its meetings. The Governor was however debarred from becoming a member of the legislative council although he had the right to address it. The Governor¹ was to appoint the President of the council for the first four years and to confirm the election of the Vice-President.

The legislative council was given the general power of making laws for the peace and good government of the province ; but this power was circumscribed in a number of ways. In the first instance, as already stated,² the devolution rules required previous sanction of the Governor-General in several cases. Secondly, the Governor was given the power, through certification, of passing legislation which he considered essential for the discharge of his responsibilities for the administration of reserved subjects in spite of its rejection by the legislative council. Thirdly, the Governor was empowered to stop, at any stage, the consideration of a bill or a part of a bill on the ground that it affected the safety or tranquillity of the province or any part thereof. And, lastly, there was the power of vetoing Bills, passed by the legislative council, vested both in the Governor and the Governor-General—and also of returning measures to the Council for reconsideration. In addition, the Crown had the power of disallowing any Act of the provincial legislatures. These were serious limitations on the legislative powers of the provincial legislatures ; but some of them were inherent in the very conception of Dyarchy.

The authors of the Montford Report had considered various ways of securing the necessary legislation for the reserved departments. They examined the Curtis scheme of dividing the provinces into popular provincial states ;³ and they

¹ The Montford Report had recommended that the Governor should himself be the President and that the Vice-President should also be an official as far as possible.

² See page 563, *supra*.

³ See pages 157-159, Report on Indian Constitutional Reforms, 1918.

also explored the possibilities of securing the necessary legislation through the Central Government, both through legislation and ordinances, including the suggestion for the formation of Ordinance Advisory Committees.¹ They also considered the proposal to create second chambers for this purpose. But they found them all unsuitable and undesirable. Ultimately they recommended the plan of the Grand Committees, which was embodied in the original Government of India Bill, 1919.

The Montford Report proposed that all those Bills that were considered "essential" by the Governor should be referred to Grand Committees of the Legislative Council, constituted separately for each Bill. Each Grand Committee was to consist of from 40 to 50 per cent of the members of the Council. "It should be chosen for each Bill, partly by election by ballot, and partly by nomination. The Governor should have power to nominate a bare majority exclusive of himself"²—of which not more than two-thirds should be officials. ". . . After being debated in the Grand Committee and modified as may be determined the Bill will be reported to the whole council", but the council "will not be able to reject it, or to amend it except on the motion of a member of the executive council."³

The Joint Select Committee rejected the plan of the Grand Committee proposed by the Montford Report for three main reasons—(1) it would obscure the responsibility of the Governor in Council; (2) it would perpetuate the evils of the "official bloc" system; and (3) it would not enable the Governor to secure legislation in a crisis. The Committee therefore proposed to make the responsibility direct and clear by empowering the Governor to pass "essential" legislation on his sole responsibility in case the legislative council refused to do so. "Acts passed on his sole responsibility should be reserved by the Governor-General for His Majesty's pleasure,

¹ Report on Indian Constitutional Reforms, 1918, pages 159 to 161.

² *Ibid.*, page 162.

³ *Ibid.*, page 163.

and be laid before Parliament." This was done by clause 13 of the Government of India Act, 1919.¹

Similar provision was made in the Act in regard to the expenditure on reserved subjects and expenditure in cases of emergency. The Government of India Act, 1919 required the presentation of the Financial Statement to the legislative council each year and the making of proposals for the appropriation of the revenue in the form of demand for grants. "The Council may assent, or refuse its assent, to a demand, or may reduce the amount therein referred to"² provided that:—(a) the local government shall have the power to restore any item relating to a reserved subject, if the Governor certifies that the expenditure is essential to the discharge of his responsibility for the subject, (b) "the Governor shall have the power in cases of emergency to authorise such expenditure as may be in his opinion necessary for the safety or tranquillity of the province, or for the carrying on of any department"³; and (c) that all proposals for appropriation of revenues shall be made on the recommendation of the Governor alone.

The financial powers of the legislative councils were still further restricted by clause 11 (3) of the Act of 1919, which required that the proposals relating to the following heads of expenditure shall not be submitted to the Councils:—

- “(i) contributions payable by the local government to the Governor-General in Council; and
- (ii) interest and sinking fund charges on loans; and
- (iii) expenditure of which the amount is prescribed by or under any law; and
- (iv) salaries and pensions of persons appointed by or with the approval of His Majesty or by the Secretary of State in Council; and
- (v) salaries of judges of the High Court of the province and of the Advocate-General.”³

¹ India in 1919, pages 242 and 243.

² *Ibid*, page 240.

³ *Ibid*, page 241.

The members of the legislative councils had the right to ask questions, move resolutions, make motions of adjournment and of no-confidence in the ministers, and to introduce bills, subject to the Standing Rules of the Council—which imposed certain restrictions in the interest of the proper conduct and for the safety and tranquillity of the province.

The provincial legislative councils were to conduct business in accordance with the Rules of Business, which were framed by the Government of India like the other rules made under the Act of 1919. These Rules were supplemented by Standing Orders made originally by Governors in Council but subject to alteration or amendment by the Councils themselves. The Rules of Business provide for the appointment of Standing Committees of the Legislature to enable the members to come in close touch with actual problems of Government. They are purely advisory bodies and their purpose is chiefly educative. Among them the most important is the Finance Committee which advises on all projects for new expenditure. Separate and distinct from it is the Committee on Public Accounts which must be appointed in every province under the Rules of Business and whose constitution and functions have been carefully defined by the Rules. It is presided over by the Finance Member and consists of not more than 12 members including the Chairman, of whom not less than $\frac{2}{3}$ rd are elected by the non-official members of the legislative council on a system of proportional representation. The Committee is to examine the audit and appropriation accounts, to make sure if the money voted has been spent according to the wishes of the legislature and it is to submit the report of its scrutiny to the Council. The legislature is thus able to see as to whether its decisions are properly carried out or not.

IX

Such then were the changes made by the Government of India Act, 1919, in the provincial sphere. They constituted the first step on the road to responsible government. Provision was made in the Act itself for the appointment of a Statutory

Commission, ten years after, consisting of such persons as were approved by the two Houses of Parliament and His Majesty¹ "to enquire into the working of the system of government, the growth of education and the development of representative institutions, in British India, and matters connected therewith." The Commission was to report "as to whether and to what extent it is desirable to establish the principle of responsible government, to extend, modify, or restrict the degree of responsible government, then existing therein, including the question whether the establishment of second chambers of the local legislatures is or is not desirable"—and also upon "any other matter affecting British India and the provinces", which may be referred to it by His Majesty.²

¹ There is nothing in the Act or in the Report of the Joint Select Committee to prevent the Secretary of State from recommending names of persons other than Members of Parliament for appointment to the Statutory Commission.

² Clause 41 of the Act. India in 1919, page 513. It is doubtful whether it was legal to refer questions relating to Indian States to the Statutory Commission. Only matters relating to British India could be referred to it under the Act of 1919.

CHAPTER XXVIII

THE MONTFORD REFORMS (*Continued*).

I

The chief purpose of the Montford Reforms was, as stated in the previous chapter, to introduce partial responsibility in the provinces in British India ; but, nevertheless, it was felt necessary to make certain changes in the Central Government and in the Home Administration of Indian Affairs.¹ The Government of India Act, 1919, thus contained provisions dealing with both these spheres of government and also with the question of the Public Services. Part II was devoted to changes in the Government of India ; Part III to those in the Home Administration of Indian Affairs ; and Part IV to those dealing with the position of Public Services in India.

The announcement of August 20, 1917, had given precedence to the policy of Indianising the services over that of developing self-governing or responsible institutions. It had declared that the policy of His Majesty's Government was "that of the increasing association of Indians in every branch of the administration".² The Montford Report also had attached great importance to the employment of Indians in higher services, especially to enable Indians to obtain first-hand experience of administrative problems. But it had also pointed out certain limitations on this policy of Indianisation—necessitated by the requirements of efficiency and integrity of the services and also of the varying needs of the different provinces. "There must be no such sudden swamping of any service with any new element that its whole character suffers a rapid alteration."³ In the opinion of Mr. Montagu and

¹ Certain changes were also made in the machinery for the conduct of relations with the Indian States, which are described in Section IV and the succeeding sections of this chapter.

² The Report on Indian Constitutional Reforms, 1918, page 1.

³ *Ibid*, page 200.

Lord Chelmsford the solution lay "in recruiting year by year such a number of Indians as the existing members of the service will be able to train in an adequate manner and to inspire with the spirit of the whole".¹ For this purpose they made the following recommendations:—"First, we would remove from the regulations the few remaining distinctions that are based on race, and would make appointments to all branches of the public service without racial discrimination".² Second, for those services that were still recruited in England they proposed to institute a system of appointment in India—"by fixing a definite percentage of recruitment to be made in India".² For instance, in the case of the Indian Civil Service, they suggested "that 33 per cent of the superior posts should be recruited in India, and that this percentage should be increased by 1½ per cent annually till the periodic commission is appointed which will re-examine the whole question."² The same system was to be adopted in the case of other services—"though the percentage will not be uniform for all services"—and gradually the rate of Indianisation was to be increased.

The Government of India Act, 1919, empowered the Secretary of State in Council to make rules for the appointment "of persons domiciled in India" to the Indian Civil Service³ and also "for regulating the classification of the civil services in India, the methods of their recruitment, their conditions of service, pay and allowances, and discipline and conduct".⁴ Authority was given to the Secretary of State to delegate the power of making rules, etc. to the Governor-General in Council or to local governments, etc. The Act of 1919 made provision for the appointment by the Secretary of State in Council of a Public Service Commission consisting of not more than five members, including the chairman. Each member was to hold office for five years and was eligible for re-appointment. "The Public Service Commission shall discharge in regard to

¹ The Report on Indian Constitutional Reforms, 1919, page 200.

² *Ibid*, page 201.

³ Section 37 (1) of the Act, India in 1919, page 252.

⁴ Section 36 (2) of the Act, *Ibid*, page 251.

recruitment and control of the Public Services in India such functions as may be assigned thereto by rules made by the Secretary of State in Council".¹

According to the new rules made by the Secretary of State in Council the system of simultaneous competitive examinations in India was adopted partially and also provision was made by nomination to secure the representation in the public services of the various communities and provinces. But the whole question of the civil services—including that of improving the pay and prospects of the European members of the services recommended by the Montford Report—was referred to a Royal Commission, with Lord Lee as its Chairman, in 1922.

However, to return to 1918:—The joint authors of the Montford Report had shown great solicitude for the European members of the public services and had not only recommended an increase in their salaries and allowances, and an improvement in pension and leave rules, to compensate them, so to speak, for a decrease in their number and for the change in their constitutional position, but had also promised to provide for them effective safeguards in the new constitution. Three important provisions were inserted for this purpose in the Government of India Act, 1919:—The first was protection against dismissal by the Ministers who had no option but to employ them in important positions; the second was the right of complaint to the Governor over the head of their ministerial chiefs; and the third was an absolute protection for their salaries, pensions and other allowances. If in spite of these safeguards some members of the Civil Services "feel that they cannot usefully endeavour to take part" in working the dyarchical system, the Joint Select Committee suggested, "that they should be offered an equivalent career elsewhere if it is in the power of His Majesty's Government to do so or in the last resort, that they should be allowed to retire on"² proportionate pensions.

¹ Section 38 (2) of the Act, India in 1919, page 252.

² Mukherjee: The Indian Constitution, Part II, page 526.

II

Such then were the provisions made by the Montford Reforms for the protection of the interests of superior civil services in India. They not only served the purpose for which they were created but also enabled the Secretary of State in Council to control indirectly the administration of transferred subjects, as has already been pointed out above.¹

Before describing the actual changes made by the Government of India Act, 1919 in the constitution of the Central Government in British India it may be pointed out that the Government of India was strongly opposed in the beginning to making any change whatsoever in the central government. They wanted to limit the Reforms to the provincial sphere alone. But Mr. Montagu told Lord Chelmsford that, "as at present advised, I would not go home without a scheme for reforming the Government of India".² Mr. Montagu "felt" that the Government of India "was bad. I felt it before I came out ; I feel it more so now I am here. The dead hand of the Government of India is over everything, blighting it." And he added :—"Their only chance, living at Delhi as they do, is to be surrounded by a really representative collection of people from all over India."³ Ultimately the Viceroy agreed to the reform of the central legislature ; but, it was made clear, that there would be no diminution whatsoever in the authority of the Government of India. The joint authors were thus able to enunciate their third formula :—

*'The Government of India must remain wholly responsible to Parliament, and saving such responsibility, its authority in essential matters remains indisputable, pending experience of the effect of the changes now to be introduced in the provinces. In the meantime the Indian Legislative Council should be enlarged and made more representative and its opportunities of influencing Government increased.'*⁴

¹ See page 570, *supra*.

² Montagu : An Indian Diary, page 93.

³ *Ibid*, page 116.

⁴ The Report on Indian Constitutional Reforms, 1918, page 124.

Effect was given to this policy by Part II of the Government of India Act, 1919, and by the Rules made by the Government of India in this connection. A new legislature consisting of two chambers was created and the constitution of the Viceroy's Executive Council was slightly modified. The maximum limit imposed on the membership of the Executive Council was removed¹; pleaders of Indian High Courts of ten years' standing were made eligible for membership²; and provision was made for the appointment of Council Secretaries from among the members of the Indian Legislative Assembly.³ Three members of the Executive Council were to possess, as before, service qualification—*i.e.* they must have served the Crown in India for ten years. No statutory provision was made for the inclusion of Indians in the Executive Council but three Indians were appointed on the recommendation of the Joint Select Committee.

The new central legislature was to consist of two chambers—the Council of State and the Indian Legislative Assembly. The Montford Report had recommended the creation of the Council of State mainly to enable the Government of India to secure "essential" legislation which was refused by the more popular lower house. It had therefore proposed that the Council of State should consist of 50 members, half of whom should be officials; four men to be nominated non-officials and the remaining 21 elected—15 to be returned by the non-official members of the provincial councils and 6 by the landlords, Mohammedans and the Chambers of Commerce directly. Wrote the authors of the Report: "In as much as the Council of State will be the supreme legislative authority for India on all crucial questions, and also the revising authority upon all Indian legislation, we desire to attract to it the services of the best men available in the country. We desire that the Council of State should develop and should possess "senatorial character, and the qualities usually

1 Clause 28 (1) of the Act, India in 1919, page 248.

2 Clause 28 (2) of the Act, *Ibid*, page 249.

3 Clause 28 (1) of the Act, *Ibid*, page 249.

regarded as appropriate to a revising chamber."¹ The Joint Select Committee did not think it necessary or desirable "to retain the Council of State as an organ for Government legislation." They recommended that "it should be reconstituted from the commencement as a true Second Chamber."² The Franchise Committee had suggested that non-official members of the Council of State should be elected by the same group of electors as elect the members of the Legislative Assembly ; but the Joint Select Committee did not agree and recommended that the Government of India should be authorised to constitute separate constituencies for the election of members to the Council of State.

Under the Rules framed by the Government of India the Council of State was to consist of 60 members, one of whom was to be appointed the President by the Governor-General. Out of the remaining 59, 25 were to be nominated—19 officials and 6 non-officials, and 34 were to be elected—20 by general electorates, 3 by European Chambers of Commerce and 11 by communal electorates (10 by Moslems and 1 by the Sikhs). The Council of State was to be a revising chamber, with equal powers in legislation with the lower house.

The popular house was called the Indian Legislative Assembly and was to consist of 143 members—exclusive of the President, who was to be appointed by the Governor-General for the first four years. Out of the total, 40 were to be nominated—25 of whom were to be official and the rest, 15, non-official ; and 103 were to be elected—51 by general constituencies, 32 by communal constituencies (30 by Muslims and 2 by Sikhs) ; and 20 by special constituencies (7 by land holders, 9 by Europeans and 4 by Indian Commerce.) The Franchise Committee had recommended a system of indirect elections for the Indian Legislative Assembly ; because, in its opinion, direct elections, though preferable, were impractical—constituencies framed on the basis of the provincial franchise would be too large and unwieldy ; and a narrower franchise

¹ The Report on Indian Constitutional Reforms, 1918, page 179.

² Mukherjee : The Indian Constitution, Part II, page 520.

would be both "illogical" and "politically undesirable".¹ The Joint Select Committee did not agree with this view and recommended that the Government of India should be asked to make fresh proposals in this connection.

Thus the questions of deciding the system of election to the central legislature, of determining the franchise, and of creating the various types of constituencies were left to the Government of India for settlement by the Rules to be framed under the Act of 1919. The Government of India decided in favour of direct elections for both houses of the central legislature. The franchise was based largely on a high property qualification. In the case of the Council of State voters should be assessed either to income-tax on an annual income of not less than Rs. 10,000 to Rs. 20,000 or to land revenue of Rs. 750 to Rs. 5,000.² In addition those who had previous experience of public work or who were recognised as men of high scholarship or academic worth—*viz.*,—those who are or have been members of a legislature; or those who hold or have held the office of a chairman or a vice-chairman of a municipality or district board or co-operative central bank; or those who are or have been members of a university senate or those who hold the highest title conferred for oriental scholarship—were entitled to have their names enrolled on the electoral roll of general constituencies for the Council of State.

The qualifications for the voters of the Indian Legislative Assembly were either (a) payment of municipal taxes amounting to not less than Rs. 15 to Rs. 20 per annum; or (b) occupation or ownership of a house of the annual rental value of Rs. 180; or (c) assessed to income-tax on an annual income of not less than Rs. 2,000 to Rs. 5,000; or (d) assessed to land revenue for Rs. 50 to Rs. 150 per annum, varying from province to province.

The disqualifications in the case of both the electors and the candidates for the Council of State as well as for the

¹ Mukherjee: The Indian Constitution, Part II, page 215.

² Considerably lower limits were fixed for Muhammadans in Bengal and Bihar and Orissa. In the Punjab the lowest figure was prescribed, whilst the highest figure was fixed in the United Provinces.

Indian Legislative Assembly were the same as those prescribed for the voters and candidates respectively of the provincial councils, as described above.¹ No special qualifications were prescribed for the candidates for election to the two houses of the Central Legislature, except that they should be over 25 years of age and should be qualified as voters for the constituencies from which they seek election.

Thus both the houses of the central legislature possessed elected majorities—though the elected majority was very narrow in the case of the Council of State. The Upper House represented largely the wealthy classes—the total number of voters for the Council of State was only 17,364.² The Indian Legislative Assembly was comparatively a more popular house ; but even in its case the total number of voters did not exceed ten lakhs—the exact figure² was 909,874 in 1920—out of a total population of some 245 millions which means that only about 4 per cent of the total population was represented in British India's Parliament.²

Such then was the representative character of the two chambers of the Central Legislature. Each chamber was constituted for a definite period though power was given to the Governor-General to dissolve it earlier³ or to extend its life further.⁴ The normal life of the Assembly was three years and that of the Council of State five years. Each chamber was required to conduct its business according to the Rules of Business supplemented by its own Standing Orders. The time and place of the meetings of the two houses were to be fixed by the Governor-General, who had the power to summon, prorogue and dissolve the chambers. He had also the right of addressing the members of the two houses.

The field of legislative activity of the Central Legislature

¹ See Section VIII of the last Chapter.

² The figures are taken from Appendix II of India in 1920, page 248.

³ It is difficult to imagine circumstances in which an earlier dissolution would be necessary as the Executive Council was made independent of the legislature.

⁴ No specific period is mentioned in the case of the two chambers of the Central Legislature like that of one year provided for in the case of the provincial councils.

was very wide, though there were serious limitations imposed on its powers. The Indian Legislature could make laws for the whole of British India¹ ; for all subjects of His Majesty and servants of the Crown in other parts of India ; for Indian subjects of His Majesty wherever they may happen to be ; and for all persons employed in His Majesty's defence forces—military, naval and air force. It could also repeal or amend laws for the time being in force in British India or applicable to the persons mentioned in the preceding sentence. However, previous sanction of the Secretary of State in Council was necessary to pass legislation abolishing any High Court in India or empowering any court lower than the High Court to pass sentence of death on European-born British subjects or their children. The Indian Legislature had no power to amend or repeal any parliamentary statute relating to British India or to do anything affecting the authority of the Parliament or the unwritten laws or the constitution of the United Kingdom.

Besides these limitations that were imposed to keep the sovereignty of the British Parliament intact there were other important restrictions that were imposed on the Legislative Assembly to maintain the supremacy of the Governor-General and his Council. To begin with, previous sanction of the Governor-General was required to introduce measures affecting :—

“(a) the public debt or public revenues of India, or imposing any charge on the revenues of India ; or

(b) the religion or religious rites and usages of any class of British Subjects in India ; or

(c) the discipline or maintenance of any part of His Majesty's military, naval or air forces ; or

(d) the relations of the Government with foreign princes or states.” Or any measure—

“(i) regulating any provincial subjects or any part of a provincial subject, which has not been declared

¹ See section 65 of the Government of India Act, 1915, as amended by the Act of 1919. Mukerjee : The Indian Constitution, Part I, page 273.

by rules under this Act to be subject to legislation by the Indian legislature ; or

(ii) repealing or amending any Act of a local legislature ; or

(iii) repealing or amending any Act or ordinance made by the Governor-General".¹

Secondly the Governor-General was given the power of preventing the consideration, at any stage, of a Bill or a part of a Bill in either chamber of the Indian legislature, if, in his opinion, it "affects the safety or tranquillity of British India, or any part thereof".²

Thirdly, the Governor-General was empowered—through what has come to be known as his power of certification—to enact laws which he considered "essential for the safety, tranquillity or interests of British India or any part thereof",³ if either Chamber refused or fails to pass them. Every Act so passed required the assent of His Majesty, which could not be given "until copies thereof have been laid before each House of Parliament for not less than eight days on which that house has sat".⁴ This provision was substituted by the Joint Select Committee in place of the scheme of the Second Chamber proposed by the Montford Report and embodied in the original Bill for securing essential legislation, because the Committee did not consider it proper that the Governor-General should conceal his responsibility through the working of the evil system of "official-bloc" in the Council of State.

Fourthly, the Governor-General possessed the power of making and promulgating "ordinances for the peace and good government of British India or any part thereof"⁵ in cases of emergency. An ordinance issued by the Governor-General was to "have the like force of law as an Act passed by the

¹ Section 67 clause (2) of the Consolidated Act, See Mukherjee: The Indian Constitution, Part I, pages 281 and 282.

² *Ibid*, page 282.

³ Section 37B of the Consolidated Act, *Ibid*, page 293.

⁴ *Ibid*, page 294.

⁵ *Ibid*, pages 298-299.

Indian legislature", "for the space of not more than six months from its promulgation."¹

Fifthly, the Governor-General was given the power of returning any measure passed by the two houses of the Central Legislature for reconsideration before signifying his assent or dissent.

Lastly, the Governor-General's assent was essential for the enactment of a law by the Indian Legislature. He had the power to give his assent or to withhold it or to reserve the Bill for the signification of His Majesty's pleasure thereon. The Crown had the power of disallowing any Act made by the Indian Legislature or the Governor-General. The Joint Select Committee had made it clear that the vetoing power of the Governor-General was real and was meant to be exercised.

A measure before it could be presented to the Governor-General for his assent required the consent of both the houses of the legislature. "If any Bill which has been passed by one chamber is not, within six months after the passage of the Bill by that Chamber, passed by the other Chamber, either without amendments or with such amendments as may be agreed to by the two chambers, the Governor-General may in his discretion refer the matter for decision to a joint sitting of both chambers".² Deadlocks between the two chambers were thus to be solved by the device of joint sittings commonly employed in such cases.

Members of both chambers were given the right of putting interpellations and supplementary questions, of moving resolutions and making motions of adjournment, and of introducing projects of legislation, under conditions prescribed by the Rules. The members also were given the right of freedom of speech in the two chambers.

The Government of India Act, 1919, required the presentation of the financial statement of the Governor-General and his Council to both the chambers of the Indian legislature. The Government was to submit—on the recommendation of

¹ Mukherjee: The Indian Constitution, Part I, page 299.

² Section 67 (3) of the Consolidated Act, *Ibid*, page 282.

the Governor-General alone—proposals for the appropriation of revenue, in the form of demands for grants, to the vote of the Indian Legislative Assembly, except those relating to the following heads of expenditure :—

- “(i) Interest and sinking fund charges on loans ; and
- (ii) expenditure of which the amount is prescribed by or under any law ; and
- (iii) salaries and pensions of persons appointed by or with the approval of His Majesty or by the Secretary of State in Council ; and
- (iv) salaries of chief commissioners and judicial commissioners ; and
- (v) expenditure classified by the order of the Governor-General in Council as :—
 - (a) ecclesiastical ;
 - (b) political ;
 - (c) defence.”¹

These items were not open even to discussion in either Chamber, “unless the Governor-General otherwise directs.”

All other items of expenditure were to be submitted to the vote of the Legislative Assembly, which “may assent or refuse its assent to any demand or may reduce the amount referred to in any demand by a reduction of the whole grant”¹ ; but the Governor-General was given the power—“if he declares that he is satisfied that any demand which has been refused by the Legislative Assembly is essential to the discharge of his responsibilities”—to act “as if it had been assented to, notwithstanding the withholding of such assent or the reduction of the amount therein referred to, by the Legislative Assembly.”¹ The Governor-General was also empowered in cases of emergency, “to authorise such expenditure as may, in his opinion, be necessary for the safety or tranquillity of British India or any part thereof.”¹

The Indian legislature was thus not only a non-sovereign law-making body but it was also powerless before the executive.

¹ Section 25 of the Act of 1919, India in 1919, page 249.

The Governor-General in Council were supreme in all spheres of governmental activity—administrative as well as legislative and financial. Not only was the executive independent of the legislature it also possessed the power of overriding the legislature in almost all respects. However some of the members were afforded opportunity, through Standing Committees, of familiarising themselves with the administrative problems and the working of the executive departments. The two important committees of the Assembly were the Finance Committee and the Committee on Public Accounts. The members of the Assembly had also the opportunity of exposing the Government of India—i.e. of demonstrating that the Government of the country was being carried on against the wishes as well as the interests of the people. Whatever else the Indian legislative Assembly may or may not be able to do it was certainly given the power of uncovering the mask from the face of the Government of India.

Before closing this section reference may be made to a recommendation of the Montford Report which was not accepted by the British Government. The Montford Report had revived the idea of creating an Indian Privy Council. It stated:—"India for all its changing ideals is still ready to look up with pride and affection to any authority clothed with attributes that it can respect and admire."¹ Members were to be appointed for life, with the title of "Honourable", by His Majesty from among high officials and noted non-officials and also from British India as well as the Indian States; "but it would be necessary to confine appointment to those who had won real distinction, or had held, or were holding the highest offices, such as members of the Governments, Ruling Princes, Members of the Council of State and High Court Judges". "The Privy Council's office would be to advise the Governor-General when he saw fit to consult it on questions of policy and administration."¹ It was also hoped that the committees of the Privy Council would do valuable work in the same way

¹ The Report on Indian Constitutional Reforms, 1918, page 183.

as the Committees of the English Privy Council do in connection with industrial and scientific research and education.

III

As already stated the Government of India Act, 1919, also made certain changes in the "Home" Administration of India. In the first instance, in view of the establishment of Dyarchy in the provinces and the reform of the central legislature, it was felt, that some relaxation of control by the Secretary of State in Council was necessary. Power was given by the Act¹ to the Secretary of State in Council to frame rules for the purpose. The extent to which the control of the Secretary of State and also of the Government of India was relaxed over the provincial Governments has already been described above.² In the case of the Central Government the Joint Select Committee was of opinion that it was not possible to make any statutory change "so long as the Governor-General remains responsible to Parliament, but in practice the conventions which now govern these relations may wisely be modified to meet fresh circumstances caused by the creation of a Legislative Assembly with a large elected majority".³ And it suggested that the Secretary of State should refrain from interfering save in exceptional circumstances, "in matters of purely Indian interest where the Government and the Legislature of India are in agreement".³ This was felt to be specially necessary in the case of fiscal matters. It is for this reason that this understanding is generally known as the Fiscal Autonomy Convention. The Joint Select Committee was anxious to remove all suspicion "that India's fiscal policy is dictated from Whitehall in the interests of the trade of Great Britain."³ And the only satisfactory way to solve the question was "by the grant of liberty to the Government of India to devise those tariff arrangements which seem best fitted to India's needs as an integral portion of the British Empire. It cannot be guaranteed by statute without limiting the ultimate

¹ See Section 33 of the Act, India in 1919, page 250.

² See Section VI of Chapter XXVII, *supra*.

³ Mukherjee: The Indian Constitution, Part II, page 523.

power of Parliament to control the administration of India, and without limiting the power of veto which rests in the Crown ; and neither of these limitations find a place in any of the Statutes in the British Empire. It can only therefore be assured by an acknowledgement of a convention."¹

The whole question of the relaxation of powers of superintendence, direction and control exercised by the Secretary of State in Council over the Governments in India was exhaustively dealt with by Professor Keith in his able Minute of Dissent to the Crewe Committee Report. He made a series of recommendations² in this connection which are still worthy of serious study.

The second change made by the Government of India Act, 1919, in the Home Administration of Indian affairs was in the constitution of the India Council. Indian opinion was united on the question of the future of the India Council and it was regretted by Professor Keith that the Crewe Committee did not examine any Indian witnesses on the point. The Indian National Congress had been asking for the abolition of the India Council for several years past and it had also sent a deputation to England in this connection early in 1914. Gokhale's Political Testament, the Memorandum of the Nineteen and the Congress-League Scheme all asked for the abolition of the Council of India. Mr. Montagu had made provision for its abolition in his first tentative scheme of November 10, 1917, and also for the creation of an Advisory Council of 4 to 5 members—two of whom were to be Indians.³ The Montford Report however did not contain any reference to the matter, but the question of the constitution and powers of the India Council was included in the terms of reference of the Committee on the Home Administration of Indian Affairs presided over by Lord Crewe. Professor Keith complained that the India Council question overshadowed all others in the discussions of the Committee and that adequate attention was

¹ Mukherjee : The Indian Constitution, Part II, page 524.

² The Indian Annual Register, 1920, Part II, pages 140 (iii) to 140 (xvii).

³ Montagu : An Indian Diary, pages 6 & 14.

not paid to the more important question of the relaxation of control over the governments in India. Be that as it may, the proposal¹ of the Crewe Committee to abolish the India Council on the one hand and to create an Advisory Committee of almost the same size and complexion on the other did not commend itself to the Joint Select Committee or the Parliament. Three important members of the Committee—Sir James Brunyate, Mr. (later Sir) Bhupendranath Basu and Professor Keith—recorded their disapproval of it in their separate minutes of dissent. Sir James Brunyate was for the continuation of the Council so long as the Government of India was not responsible to the Legislative Assembly. Mr. Basu was in favour of abolition but was against the creation of the Advisory Committee. Professor Keith made out a strong case² for the total abolition of the Council after “the reform scheme is brought into full operation”³ by an Order of the King in Council. He was of opinion “that in the performance of his diminishing duties the Secretary of State should be able to obtain all the aid he requires primarily from the permanent staff of his departments . . . and from expert sources such as the brokers of the India Office and the Bank of England.”⁴

¹ The proposal is thus summarized by the Committee :—“We propose the transfer of responsibility from the Secretary of State in Council to the Secretary of State, and the establishment of an Advisory Committee of from 6 to 12 members appointed by the Secretary of State of whom not less than one-third should be Indians selected from a panel of names submitted by the non-official members of the Indian Legislature; members of either House of Parliament to be ineligible for appointment to the Committee; the tenure of office to be fixed at five years; and the salary at £1,200 a year with an additional allowance of £600 a year in the case of members domiciled in India.” Indian Annual Register, 1920, Part II, page 128.

² Professor Keith was definitely of opinion that, on the whole, it was doubtful whether “the process of revision in detail has been worth the losses entailed by it. In the first place, the conservatism, natural to retired official has acted sometimes, it may be feared, as a barrier in the way of useful reform. In the second place, the natural tendency to delay in the action of the Government of India has been injuriously fostered by the delays of the India Office under the Council system of procedure.” Apart however from these defects, Professor Keith was convinced that the abolition of the India Council was “a necessary preliminary to, and a conclusive manifestation of the purpose of His Majesty’s Ministers to secure, the gradual realisation of responsible government in British India”. The Indian Annual Register 1920, pages 140 (xviii) and 140 (xix).

³ *Ibid.*, page 140 (xx).

⁴ *Ibid.*, page 140 (xix).

The Joint Select Committee, however, took the opposite view : "that, at any rate, for some time to come, it will be absolutely necessary that the Secretary of State should be advised by persons of Indian experience and they are convinced that, if no Council existed, the Secretary of State would have to form an informal one, if not a formal one. Therefore, they think it much better to continue a body which has all the advantages behind it of tradition and authority."¹ They, however, recommended certain modifications in its constitution, method of work, etc., which were accepted by the Parliament.

The Government of India Act, 1919, therefore, retained the Council of India with slight modifications :—Provision was made for reducing the maximum strength of the Council from fourteen to twelve and the minimum strength from ten to eight ; instead of nine, half the members only were required to possess service qualifications ; the term of office of new members was reduced from seven to five years ; the salary of members was fixed at £1,200 a year but an annual allowance of £600 was to be given in addition to Indian members ; meetings of the Council were to be held at least once a month instead of once a week ; statutory quorum was abolished and the quorum was to be prescribed by the Secretary of State himself ; and the Secretary of State in Council was given the power of making rules for the transaction of business. In this connection it may be mentioned that the Joint Select Committee had recommended the introduction of the "portfolio system" to increase the utility of the Council of India.

Thirdly, the Montford Reforms made provision for the separation of the "agency" functions from the administrative and political functions of the Secretary of State in Council. It was proposed by the Crewe Committee that the agency functions should be transferred from the Secretary of State in Council to a High Commissioner for India, specially appointed for the purpose in London. Power was given by the Act of 1919 to His Majesty to make provision by Order in Council "for the appointment of a High Commissioner for

¹ Mukherjee : The Indian Constitution, Part II, pages 522-523.

India in the United Kingdom, and for the pay, pension, powers, duties and conditions of employment of the High Commissioner and his assistants; and the Order may further provide for delegating to the High Commissioner any of the powers previously exercised by the Secretary of State or the Secretary of State in Council in relation to making contracts, and may prescribe the conditions under which he shall act on behalf of the Governor-General in Council or any local government."¹

A High Commissioner for India was appointed in 1920² and the Stores Department, the Indian Students' Department, and the supervision of the work of the Indian Trade Commissioner were transferred to his control. The intention was to transfer gradually all the agency functions performed hitherto by the India Office to the office of the High Commissioner for India in London.

It was recommended by the Joint Select Committee that the cost of the controlling and political functions of the India Office (including the salary of the Secretary of State) should be placed on the British Estimates and the expenditure on agency functions should alone be chargeable to the Indian revenues. The Government of India Act, 1919, therefore, provided that "the salary of the Secretary of State, the salaries of his under-secretaries and any other expenses of his department may, notwithstanding anything in the principal Act, instead of being paid out of the revenues of India, be paid out of monies provided by Parliament, and the salary of the Secretary of State shall be so paid".³ Under this provision the expenses of the India Office for the controlling and political functions, along with the salaries of the Secretary of State and his under-secretaries, were put on the British Estimates.

The Report on Indian Constitutional Reforms, 1918, had

¹ Section 35 of the Act, India in 1919, page 251.

² The first High Commissioner appointed was Sir William Meyer, who had retired as Finance Member of the Government of India a short time before.

³ Section 30 of the Act, India in 1919, page 249.

attached a great deal of importance to this change, because, "this will enable any live questions of Indian Administration to be discussed by the House of Commons in Committee of Supply." The Montford Report had further recommended the formation of a select committee of the House of Commons on Indian affairs. "Such a select committee would like other select committees, exercise its powers by informing itself from time to time upon Indian questions, and by reporting to the House before the annual debate on the Indian estimates." By means of interrogating the Secretary of State and by "requisitions for papers the members of the Committee would keep themselves informed upon Indian questions. To such a select committee Indian Bills might be referred after their second reading. There would thus grow up a body of men in Parliament who took a continuous, and well-informed, interest in Indian questions ; and by the Committee's reports the House of Commons would be invited to focus their attention during the year."¹

The Crewe Committee was of opinion that the objects the Montford Report had in view, "would not be furnished by the appointment of a Select Committee."² They feared that such a committee would be tempted to interfere in the details of Indian administration which would militate against the main objects of the Reforms. However, the Joint Select Committee accepted the proposal of the Montford Report and recommended the appointment of a Standing Joint Committee of both houses of Parliament. The Committee wrote :—"It should have no statutory functions, but a purely advisory and consultative status ; and among its task is one of high importance, the consideration of amendments to rules made under this Bill".³ Such a Standing Joint Committee was constituted by Parliament after the passing of the Government of India Act, 1919.

¹ The Report on Indian Constitutional Reforms, 1918, pages 188 and 189.

² The Indian Annual Register, Part II, page 130.

³ Mukherjee : The Indian Constitution, Part II, page 508.

IV

The Reforms of 1919 were thus not confined to the provincial sphere: they also affected the Central Government and the "Home" Administration of Indian Affairs. They even went further: they brought within their ambit the Indian Princes as well. An attempt was made to improve the machinery for co-operation between British India and the Indian States by the creation of the Chamber of Princes and its Standing Committee. Provision was also made for referring disputes between the States and the Governments in British India and the cases of alleged misconduct on the part of the Rulers to Commissions of Inquiry appointed for each case as it arose.

Mr. Montagu and Lord Chelmsford were led to examine the question of relationship with the States because in their opinion, constitutional changes in British India were likely to "react in an important manner on the Native States." They also felt it necessary to assure the Princes "in the fullest and freest manner that no constitutional changes which will take place will impair the rights, dignities and privileges secured to them by treaties, *sanads* and engagements, or by established practice."² There was in reality no necessity of such an assurance because the changes recommended in the Montford Report did not touch the question of relationship with the States. Some of the Princes, however, were anxious to utilise the occasion to improve their position and to remove their grievances and disabilities.

As pointed out by the Montford Report, "the policy of the British Government towards the States has changed from time to time, passing from the original plan of non-interference in all matters beyond its own ring-fence to the policy of 'subordinate isolation' initiated by Lord Hastings; which in its turn gave way before the existing conception of the relation between the States and the Government of India, which may be described as one of union and co-operation on their part

¹ The Report on Indian Constitutional Reforms, 1918, page 193.

² *Ibid*, page 194:

with the paramount power".¹ While this is true it is also necessary to remember that co-operation between the two was not on a footing of equality. The British Government in India—from Lord Canning to Lord Reading²—emphasised the subordinate position of the Princes and its own supremacy—so much so that it was held that its paramountcy was incapable of exact definition and limitation and that the rights of the paramount power to intervene in the affairs of the States were independent of the treaties, *sanads*, engagements, etc. However, the general position was thus summed up by the Montford Report:—"The States are guaranteed security from without ; the paramount power acts for them in relation to foreign powers and other States, and it intervenes when the internal peace of their territories is seriously threatened. On the other hand the States' relation to foreign powers are those of the paramount power ; they share the obligation for the common defence ; and they are under a general responsibility for the good government and welfare of their territories".¹

During the course of the last seventy years the points of contact between the States and British India have greatly increased, and for several purposes the two Indias have almost become one unit. Write the authors of the Montford Report:—"A perceptible process of infiltration has been going on. We have helped the States in times of famines ; we have lent them officers trained in British India to revise or supervise their revenue or financial administration, or to improve their agriculture and irrigation. Many of them have adopted our civil and criminal codes. Some have imitated, and even further extended, our educational system. Co-operation in matters of police and justice has been developed. Our railway and telegraph systems have been carried through and serve many of the States. The Indian customs tariff is a matter of concern to all States, including those which have parts of their

¹ The Report on Indian Constitutional Reforms, 1918, page 190.

² The subordinate position of the Princes was particularly emphasised by Lords Canning, Lytton, Curzon, Hardinge, and Reading.

own."¹ It is thus clear that for many purposes the two Indias have come very near each other. However, the political development in the States has not kept pace with British India, nor has it been uniform among the States themselves. The result is that "they are in all stages of development, patriarchal, feudal, or more advanced, while in a few states are found the beginnings of representative institutions. The characteristic features of all of them, however, including the most advanced, are the personal rule of the Prince and his control over legislation, and the administration of justice".¹

The position of the States, however, has been gradually improving *vis a vis* British India. For sometime after the Mutiny the British distrusted the Princes and were afraid that if they had the opportunity they might combine against them ; and, consequently, the British policy was to keep the Princes in isolation and to limit their opportunities of meeting one another as far as possible. However, with the growth of national consciousness among the educated classes in British India the policy of the British Government towards the Princes underwent a change ; and gradually the policy of rallying them to their support and of associating them with the government of the country was evolved. It was Lord Lytton who first realised the possibilities of utilising the Princes as a strong bulwork against the demands of the educated classes in British India. He had, therefore, recommended the formation of an Indian Privy Council consisting of the greater Indian Princes. As I have stated elsewhere,² the proposal resulted only in conferring on the Princes the empty title of the "Councillors of the Empress." The idea was later revived by Lord Curzon, who proposed the establishment of a "Council of Ruling Princes." It was, however, Lord Minto who gave a practical shape to the idea of co-operation between the British Government and the Indian Princes, especially with a view to meet the danger from the working of national forces. As pointed

¹ The Report on Indian Constitutional Reforms, 1918, page 191.

² See Introduction to my book : Indian States and British India : Their future relations ; particularly pages 56-57.

out by the Directorate of the Chamber of Princes' Special Organisation in "The British Crown and the Indian States:— Lord Minto was alarmed by "the growth of the nationalist movement in British India . . . and he saw in the Princes a strong bulwark against subversive movements."¹ He had laid down that "the foundation stone of the whole system is the recognition of identity of interests between the Imperial Government and the Durbars, and the minimum of interference with the latter in their own affairs", and "inaugurated that habit of consulting the Indian Princes on matters affecting the welfare of India as a whole, of the Provinces as well as the States." Lord Minto first proposed to establish an Imperial Advisory Council and later suggested the establishment of an Imperial Council of Ruling Princes but neither fructified. However, Lord Hardinge carried the policy of his predecessor a step further by calling a Conference of the Princes to consider questions of higher education in the States. He also cultivated the habit of consulting the Princes whenever their interests were involved and encouraged the Princes to meet together for consultation and common action. And some of the leading Princes had by 1914 begun to form ideas of safeguarding the state interests in the future polity of India. Lord Chelmsford continued the policy of his two predecessors and carried it further by convening conferences of the Princes annually and discussing matters affecting the states as a whole and the states and British India jointly. The Princes, however, were not satisfied with things as they were and, when Mr. Montagu and Lord Chelmsford toured the country in connection with the Reforms Enquiry, the Princes, through a deputation, represented their grievances and enunciated their proposals. The Princes asked for changes in three main directions. To put it in the words of Mr. Rushbrook Williams:—"They felt that they had no voice in the determination of All-India policy. Secondly, they deplored the lack of impartial tribunal to decide disputes arising between

¹ Quoted in Singh : Indian States & British India : Their Future Relations, page 56.

themselves and the British Indian authorities, for it seemed to them that in a number of cases the Government of India was at once party and judge. Finally, they believed that the Political Department . . . occasionally acted in disregard of the treaties, and in general exercised an authority which, if benevolent, was nevertheless in certain respects undeniably arbitrary."¹

"To remedy these defects . . . the Princes put forward a scheme for a deliberating assembly in which they could meet together and discuss their common interests ;" and which would also arrange for joint consultation with British Indian authorities on All-India matters. They further proposed a scheme for submitting matters of dispute to the arbitration of an impartial tribunal. And, lastly they desired to associate with the Political Secretary a Committee which would, as they hoped, ensure that the general policy of the Department should be more in harmony with the sentiments and desires of the Princes."²

The Montford Report accepted the main proposals of the Princes. The authors of the Report wrote :—"We wish to call into existence a permanent consultative body. There are questions which affect the states generally, and other questions which are of concern either to the Empire as a whole, or to British India and the States in common, upon which we conceive that the opinion of such a body would be of the utmost value. The Viceroy would refer such questions to the Council, and we should have the advantage of their considered opinion. We think it all important that the meetings should be regular, and that ordinarily the Council should meet once a year to discuss the agenda approved by the Viceroy."³ The first proposal of the Montford Report was thus to create a permanent "Council of Princes." "Our second proposal . . . is that the Council of Princes should be invited annually to appoint a small Standing Committee

¹ Quoted from the British Crown and the Indian States in Singh : *Indian States and British India : Their Future Relations*, page 58.

² *Ibid.*, page 59.

³ The Report on Indian Constitutional Reforms, 1918, page 195.

to which the Viceroy or the Political Department might refer" "matters of customs and usages in particular."¹ The Committee may contain Dewans or Ministers if the Council so desires. Lastly the Report recommended that in cases of disputes where, in the opinion of the Viceroy, an independent and impartial inquiry was desirable, he should appoint a Commission, consisting of a High Court Judge and one nominee of each party concerned "to enquire into the matter in dispute and to report its conclusions to him. If the Viceroy was unable to accept the finding the matter would be referred for decision to the Secretary of State."²

These proposals were considered at a Conference of the Ruling Princes at the end of January 1919 ; but the Conference could not come to any final decision on the matter of representation, though it approved generally the project of instituting a Council of Princes and suggested that it should be called *Narendra Mandal*. The recommendations of the Conference were submitted to the Secretary of State ; and, the Viceroy in consultation with him drafted a scheme for constituting the Chamber of Princes, which was placed before another Conference of the Princes in November 1919. This scheme for the establishment of the Chamber of Princes was approved by the conference and a Codification Committee was appointed to help the Viceroy in the work of drafting rules of business and resolutions concerning Courts of Arbitration and Commissions of Enquiry. The Chamber of Princes was formally inaugurated by the Duke of Connaught on February 8, 1921.

V.

The Government of India Act, 1919, contained no provisions whatsoever in connection with the creation of the new machinery for co-operation between British India and the Indian States. The decision to constitute the Chamber of Princes was conveyed through Royal Proclamation.

At the Conference of Princes held in November 1919,

¹ The Report on Indian Constitutional Reforms, 1918, pages 195 and 196.

² *Ibid*, page 196.

Lord Chelmsford had drawn a distinction between "Ruling Princes" and "Ruling Chiefs." Ruling Princes were those Rulers of Indian States who enjoyed dynastic salutes and possessed more or less full powers of internal administration, and who were entitled to become members in their own right of the Chamber of Princes. The others were merely Ruling Chiefs. In the Chamber of Princes, as finally constituted, 108 Princes were given the right of personal membership. The remaining states were divided into two categories:—those which were given representation in the Chamber of Princes—there were 127 of them and they had the right to elect 12 members; and those which were given no representation whatsoever—their number was 327. The Chamber of Princes thus consisted of 120 members, out of which 108 were "Ruling Princes" who were members in their own right, and 12 were representatives of the "Ruling Chiefs." It was made clear by Lord Chelmsford that "First, attendance and voting in the Chamber will be voluntary"; "second, the Chamber will be a consultative and not an executive body"; and, "third, the direct transaction of business between the Government of India and any State will not be prejudiced by the institution of the Chamber since each individual State whether represented in the Chamber or not will maintain its right of direct communication with the Government as heretofore." And added Lord Chelmsford:—"It will be necessary in this connection to provide specifically that the Chamber shall not discuss the internal affairs of any particular State or the actions of any individual Ruler."¹

The Chamber of Princes thus constituted was to meet once a year ordinarily and was to be presided over by the Viceroy, who was also to approve the Agenda. The Chamber was to elect its own Chancellor who was to preside in the absence of the Viceroy. He was also to be the President of the Standing Committee, which was to consist of four or five other members, besides the Chancellor. The members

¹ Speech of Lord Chelmsford to the Conference of Princes. See The Indian Annual Register, 1920, page 88.

of the Standing Committee were elected annually by the Chamber subject to the condition that the Princes of Rajputana, Central India, Bombay, and the Punjab, must each be represented.

The functions of the Chamber and limitations on its powers were thus defined by the Royal Proclamation :—

“My Viceroy will take its counsel freely in matters relating to the territories of Indian States generally, and in matters which affect those territories jointly with British India or with the rest of my Empire. It will have no concern with the affairs of individual States or their Rulers, or with the relations of individual States to my Government, while the existing system of the States and their freedom of action will be in no way prejudiced or impaired.”¹

The Standing Committee “meets twice or thrice each year at the headquarters of the Government of India and one of its most important functions is to discuss with the various departments of that Government matters in which the administration of both the Statets and British India are concerned.”²

VI.

There were two other matters in connection with the Indian States which were dealt with by the Montford Report to which a brief reference is necessary here. Wrote the authors of the Report :—“Our two remaining proposals bear a direct relation to our constitutional scheme for British India. We recommend that as a general principle all important States should be placed in direct political relations with the Government of India.”³ This was necessary not only in the interest of good understanding, efficiency and quickness in the disposal of business but also on grounds of general policy—on the need of dividing all-India matters from those of provincial

¹ Quoted in Singh : Indian States & British India : Their Future Relations, page 61.

² Ibid, page 62.

³ The Report on Indian Constitutional Reforms, 1918, page 197. As to the changes actually made as a result of this recommendation see Singh : Indian States & British India : Their Future Relations, pages 53 and 54.

concern. In the case of other States the joint authors of the Report were not able to make definite recommendations. They wrote :—"It may be that the Government of India will assume direct relations with these States, or that they may be left for the time being in relation with the provincial governments ; but in the latter case it seems to us that the head of the province should in each case act in his relations with the States as agent for the Central Government, and that relations with the Native States should not be matters of provincial concern in the sense that they are intended ever to be transferred to the control of the legislative council."¹

The second and last proposal of the Montford Report was in connection with devising some machinery for collective consultation between the Princes and the British Indian authorities in matters that affect both the States and British India. The proposal for including some of the Princes in the Council of State was not practical at this stage. The joint authors of the Report, therefore, recommended that, whenever considered necessary, the Viceroy may "arrange for joint deliberation and discussion between the Council of State and the Council of Princes or between representatives of each body."¹

Before leaving this subject it may be of interest and value to give the picture of the future of the two Indias drawn by the authors of the Montford Report :—

"Looking ahead to the future we can picture India to ourselves only as presenting the external semblance of some form of 'federation'. The provinces will ultimately become self-governing units, held together by the Central Government, which will deal solely with matters of common concern to all of them. But the matters common to the British provinces are also to a great extent those in which the Native States are interested—defence, tariffs, exchange, opium, salt, railways, and posts and telegraphs. The gradual concentration of the Government of India on such matters will therefore make it easier for the States, while retaining the autonomy

¹ Report on Indian Constitutional Reforms, 1918, page 198.

which they cherish in internal matters, to enter into closer association with Central Government if they wish to do so. But, though we have no hesitation in forecasting such a development as possible, the last thing that we desire is to attempt to force the pace. Influences are at work which need no artificial stimulation. All that we need or can do is to open the door to the natural development of the future."¹

This is how Mr. Montagu and Lord Chelmsford paved the way for an Indian Federation in the future.

¹ Report on Indian Constitutional Reforms, 1918, page 192.

CHAPTER XXIX.

THE SECESSION OF THE MODERATES.

I

The Montford scheme proved a veritable apple of discord to the people of India. The unity that had been gradually built up with great labour and sacrifice was destroyed without much obvious effort almost at once. The Moderates and the Extremists who had united after a separation of ten years were divided again by the Montford Reforms—and it appears never to come together again. The Hindu-Moslem unity achieved at Lucknow in December 1916, was strained almost to a breaking point by the Arrah riots in Bihar in October 1917.

The riots that broke out in the district of Arrah on the occasion of Bakr'Id in 1917 were indeed of a serious and dangerous type. It is certainly deplorable that the celebration of a communal festival should so often result in communal clashes. Every effort should be made by the members of the various communities to make their recurrence impossible. However, one should not jump to the conclusion, as some Anglo-Indian writers do, that the occasional outbursts of communal frenzy disqualifies Indians for self-government.¹

At the basis of all communal clashes in India is the ignorant fanaticism of the masses. As long as the responsible leaders of each community exercise a healthy check on the enthusiasm of their followers and keep their passion under control so long things go on peacefully—each community is able to celebrate its festivals and functions successfully. If either the leaders cease to be vigilant, or, for selfish reasons

¹ The reply of the Editor of the *Modern Review* is, that this is not so in Western Countries. He quotes a number of instances of communal clashes occurring in the West and puts the pertinent question—that if they do not disqualify the inhabitants of those Western Countries, why should they do so in the case of the people of India? See Editorial Notes in the Issue of November, 1917.

of their own, excite or inflame the passions of the masses, the inevitable result is a communal clash of a smaller or a larger magnitude. Something, no doubt, also depends on the action taken and the attitude adopted by the executive officers of the Government in the various districts. If they keep proper vigilance and use their influence for communal peace things can generally be managed smoothly. It is, however, true that things may sometimes be indeed beyond their control temporarily.

As pointed out by Dr. Rushbrook Williams in the annual official report, India in 1917-18:—"As a rule, some arrangements are made by the leaders on each side to prevent the passions of the ignorant from being inflamed. But in 1917, in the Patna Division of Bihar and Orissa, the rural Hindus of a large area appear to have made a carefully organised attempt to put an end once for all to the cow-sacrifice in their midst."¹ Cow,* as is well-known, is an object of great veneration by the Hindus, and they find it difficult to control their feelings when they are sacrificed in large numbers, often publicly, by the Mohammedans. It appears that on the 29th September, 1917, in spite of the agreement to the contrary, the Mohammedans of Ibrahimpur in the Shahbad district performed the cow sacrifice. "On the morning of September 30th, a mob of Hindus, estimated to number more than 25,000 attacked Ibrahimpur and some neighbouring villages. It was only dispersed after a hand to hand contest with the police, in the course of which much looting was done and the police station attacked. Strong reinforcement of military police were at once hurried to the district, and for 36 hours there was an outward calm. But on October 2nd without further warning rioting broke out simultaneously over a large part of the district, and for six days law and order disappeared."¹ On the 9th, the trouble spread to the Gaya district as well. Ultimately the troops succeeded in restoring calm. A large number of rioters were arrested. They

¹ India in 1917-18, page 39.

were "tried by special tribunals constituted under the Defence of India Act, and about one thousand individuals were convicted and sentenced to various terms of imprisonment."¹

The Arrah Riots, as they came to be called, were severely condemned by the whole Indian Press, though writes Dr. Rushbrook William, certain sections of the Hindu Press attempted "to fix the blame on Government rather than upon the religious fanaticism of the ignorant rural population."²

The announcement of August 20, 1917 was thus followed by a serious communal riot in India in spite of the existence of very cordial relations between the Hindus and the Moslems. And curiously enough, shortly after the publication of the Montford Report also, terrible riots occurred in the country. On the 18th September, 1918, a communal riot broke out at Katarpur in the Saharanpur district of the United Provinces. In their endeavour to prevent cow sacrifice some twenty Mohammedans were killed by the Hindus. A large number of Hindus were arrested and tried. "One hundred and seventy five were convicted ; eight were sentenced to death, 135 to transportation for life, and two to seven years' imprisonment."³

The Arrah and Katarpur riots put communal unity to a severe test ; and if it were not for certain external causes which had alienated the Muslims from the British Government⁴ it might have given way under the strain. As it was, communal unity was further strengthened by the sympathy shown by Mahatma Gandhi and other nationalist leaders with the Muslims in their demands in regard to the *Khilafat* and about

¹ India in 1917-18, page 40.

² *Ibid*, pages 40 and 41.

³ Lovett : A History of the Indian Nationalist Movement, page 180.

⁴ The feelings of resentment against the British Government culminated in the Calcutta Riots on the 9th and 10th September, 1918. The riot occurred in the attempt by the police to stop the Muslim procession which was marching to the Government House to secure the reversal of the Government order prohibiting the holding of the Muslim Conference. The Police had to open fire in order to disperse the processionists. However, matters assumed a more serious form, the next day. The mill-hands joined the rioters and inflicted severe injuries on a Foreman. A mob of 2,000 Muslims tried to force its way into the city of Calcutta. It was fired upon and finally dispersed.

the peace terms that were to be offered to Turkey. A large number of politically conscious Hindus identified themselves with the Muslims on the question of the *Khilafat* and the policy to be followed towards the Muslim belligerents at the Peace Conference.

II

This attitude of the Hindus secured the continuance of cordial relations between the Hindus and the Moslems. But, nonetheless, the publication of the Montford Report had the effect of accentuating communal feelings and differences. The non-Brahmin movement had begun in Madras in 1916-17. It had made a rapid headway under the aggressive and capable leadership of Dr. Nair and in the belief that it had the sympathy and support of the Government behind it. As a matter of fact the nationalists sincerely believed that the whole movement was organised under official inspiration and patronage as a counter-blast to the Home Rule agitation.

The Brahmins in the presidency had occupied a position of great power and prestige for a very long time and they formed an aristocracy of birth and knowledge—although wealth was largely in the hands of non-Brahmins. For centuries the Brahmins had treated the lower-caste men with little consideration and much arrogance, in their pride of caste, learning and power. And in spite of the fact that some of the advanced Brahmins had become social reformers, and were doing all they could to uplift the lower classes, the relations between the Brahmins and the non-Brahmins were far from satisfactory—the one was suffering from the superiority and the other from the inferiority complex. The situation was cleverly exploited by the Government of Lord Pentland when faced with the organised propaganda of Mrs. Besant for Indian Home Rule. During 1917-18, the non-Brahmins carried on counter-propaganda against the demand for Home Rule and demanded the continuance of British Rule in preference to, what they termed, Brahmin rule. Dr. Nair went to England to plead the cause of the non-Brahmins and to oppose the transference of power to Indian hands.

The Montford Report rejected the demand of the non-Brahmins for special representation either through separate electorates or through reservation of seats in joint electorates as they were in a substantial majority in the Presidency. This was strongly opposed by the non-Brahmins who had organised themselves into "the Justice Party" with their organ, a daily paper in English, called "Justice". They carried on strong agitation with the result that the Joint Select Committee accepted their claim for the reservation of seats in certain plural member constituencies.

III

The case of the Sikhs in the Punjab was very much stronger than that of the non-Brahmins in Madras. As a matter of fact, the Sikhs were the only community to which the authors of the Montford Report felt it necessary to extend the system of separate electorates which they felt bound to continue in the case of the Moslems.

The Sikhs had no separate political organisation till 1919. Till then they had concentrated their attention on religious and social reform and on educational advancement. In 1888, a reform association, called the Khalsa Diwan, was started at Lahore—with a network of religious associations, *Singh Sabhas*, all over the province—with a view to purge Sikhism of superstition and Hindu rites and customs and to encourage the use of Sikh forms and ceremonies. One important result of the efforts of the Khalsa Diwan was the starting of the Khalsa College at Amritsar in 1892. By the beginning of the 20th century, however, the Khalsa Diwan became disorganised and defunct. But about the same time there came into existence another central organisation, called the Chief Khalsa Diwan, at Amritsar. The Diwan is still in existence and is doing important educational work. Its Education Committee has been organising since 1908 the Sikh Educational Conference annually and is supporting a large number of educational institutions in the Province.

Besides promoting the religious, social and educational advancement of Sikhs, the Diwan has also been looking after

the political interests of the community. The political policy of the Diwan however has not made a wide appeal—as it is considered too moderate or conservative and too pro-government by the younger members of the community. In connection with the dispute over the boundary wall of the Rikabganj Gurdawara in Raisina (New Delhi) the Diwan became unpopular—as its attitude was considered too accommodating to the Government. All the same, the Chief Khalsa Diwan continued to protect the political interests of the Sikhs by making representations to the Government as occasions arose. It submitted a written memorandum before the Montagu Mission and also organised a deputation which waited on the Secretary of State and the Viceroy.

The Sikh memorandum laid emphasis on the important position occupied by the Sikhs in both the political and economic life of the province—40% of the land revenue and canal charges together were paid by the Sikhs, although they formed only 11% of the population—and on the huge sacrifices made by them during the Great and other wars and at the time of the Mutiny. One-third of the recruits raised in the Punjab during the Great War were supplied by the Sikhs and in normal times 20% of the total strength of the Indian army was made up of the Sikhs. Besides they were the last rulers of the Punjab and formed no less than half of the aristocracy and greater part of the landed gentry of the Province. In education too the Sikhs had made greater progress than the members of the majority community. In view of these facts, the Memorandum asked for $\frac{1}{3}$ rd representation in the Punjab Council and their due share in the services.

The Montford Report did not go into the question of proportions but accepted the claim of the Sikhs to separate representation on the same basis as for the Muslims. The Punjab Government supported the claim of the Sikhs for considerable weightage:—“Their influential position in the Province, which is based partly on historical and political factors, partly on their military prestige and partly on their comparatively high educational level and economic importance

in the central and colony districts, entitles them to a considerably greater degree of representation than is indicated by numbers alone."¹ But the Punjab Council refused to consider their case and passed a resolution approving the Congress-League division of seats between the Moslems and the Hindus, as the Sikhs were no party to the national pact. The Franchise Committee allotted to the Sikhs in the Punjab Council only 8 seats out of 54, which created a great discontent among them and made them realise the necessity of organising a separate political association to protect their interests. The Sikhs of the Lyallpur district took the lead and with the co-operation of younger men from other districts formed the Sikh League. The first session of the League was held at Amritsar in the Congress week and was presided over by Sardar Gajjan Singh, a member of the Punjab Legislative Council. The League considered the representation given to the Sikhs as inadequate and demanded $\frac{1}{3}$ rd of the elected and nominated seats in the Punjab Council.

The Sikh League and the Chief Khalsa Diwan continued to agitate for increase in their representation and sent a deputation to England to represent their case before the Secretary of State and the British Cabinet, but with little result. In the scheme which was finally sanctioned Sikhs were given 12 seats out of a total of 93 seats including both elected and nominated members. The number of elected members in all was 71, out of which 32 were elected by Moslem, 20 by General, 7 through special and 12 through Sikh electorates.

IV

The question of reforms accentuated the communal spirit not only among the non-Brahmins and the Sikhs but also among the members of other communities, such as the Europeans, Anglo-Indians and Indian Christians. Writes the author of "India in 1917-18":—"The non-official English community had of late taken very little interest in Indian politics, and the European Defence Association, which had

¹ The Gurdwara Reform Movement and the Sikh Awakening, page 75.

come into existence more than thirty years ago, as a result of the Ilbert Bill agitation, had shrunk in numbers and in influence."¹ But the new policy of reforms made the Europeans realise the necessity of strengthening their organisation.

The European Defence Association had become simply the "European Association" in 1913 and in 1917 an endeavour was made to set it upon a new footing. "Branches were formed all over India, a new central organisation was established in Calcutta, and backed by a majority of the English-edited papers, the Association increased its membership in a short time to some 7,000 or 8,000 from scarcely as many hundred."¹ When Mr. Montagu arrived in India, the European Association represented its view-point before the Secretary of State and the Viceroy. It expressed grave doubts as to the result of forcing reforms on India and strongly deprecated any hasty political advance. It also asked for adequate representation to protect the interests of the non-official European community. The Montford Report rejected the claims of the Europeans to separate communal representation though it made full provision for the protection of European interests by giving special powers to the Government in that connection and also by giving full representation to European commerce, industry, mining and planting interests. But the European Association was not satisfied and it represented its case for separate communal representation, in addition to the representation granted to special European business interests, before the Franchise Committee. This was also done by Anglo-Indians and Indian Christians, whose claims were similarly rejected by the authors of the Montford Report. The claims of all the three communities for separate representation were accepted both by the Indian Franchise Committee and the Joint Select Committee of Parliament and the Reforms of 1919 gave separate communal representation to the Europeans, Anglo-Indians and Indian Christians in those provinces where they were in sufficient numbers.

¹ India in 1917-18, page 43.

V

Although the policy of reforms was thus opposed by the European Association in India, its opposition was not so uncompromising as that of the Indo-British Association in England. This association was formed in London immediately after the announcement of August 20, 1917, with a view to combat the new policy of the Government and to create an anti-Indian opinion in Britain, but with the professed object of promoting and fostering "the unity and advancement of the Indian people." Commenting on this professed object, H. H. the Maharaja of Bikaner remarked:—"The methods, arguments and manifold activities of the Association have, however, singularly disguised this avowed aim, and all that we can say is—save us from such friends."¹

The Indo-British Association was organised by some of the retired Anglo-Indian officials,² with Lord Sydenham as their leader, and it held its inaugural meeting on 30th October, 1917, a few days before the Montagu Mission reached the shores of India. It began by issuing a confidential circular to British businessmen with Indian trade connections, asking them to contribute liberally to the funds of the Association and to regard their donations as "insurance premiums for British interests in India." The circular appealed to the selfish interests of Englishmen and its publication by the enterprise of a clever Indian journalist in London showed up the Association in its true colours.

The Indo-British Association carried on a various anti-Indian propaganda in Britain and it attempted to persuade the European Association in India to collaborate with it at the Indian end. "From the first it has been developing a ceaseless pamphleteering and press propaganda. The booklets and leaflets it issues so freely are intended to alarm the ordinary man as to the condition of India, to belittle in every possible way the educated classes of the country

¹ Speech delivered on March 12, 1919, at the Savoy Hotel, London. See Indian Annual Register, 1919, page. 83.

² Among its leading members were Sir John Hewett and Sir Harold Stewart.

and to appeal to the personal and class interests at one time of the working man, at another—and more frequently—of business firms participating in Indian trade.”¹ It tried to exploit every occasion to create opinion against Indians and against the policy of political reform in India. It attempted to make capital out of the findings of the Indian Seditious Committee by publishing a pamphlet entitled “Danger in India: Sedition and Murder.” This was perhaps the most scurrilous of the pamphlets issued by the Indo-British association; but it was by no means the only one of its kind. Indeed there was hardly any limit observed by these self-styled friends and well-wishers of the Indian people in abusing the educated Indians and their champions in England.

The Indo-British Association was thus the most uncompromising opponent of the Montford scheme and it opposed it tooth and nail from the time it was conceived to the time it was put into operation and even after. The members of this Association have not been able to reconcile themselves to the idea of developing self-governing institutions in India.

VI

Another group of Englishmen which was almost equally hostile to the policy of reforms consisted of some of the members of the Indian Civil Service. They were not free to indulge in similar public propaganda as the retired members of the service were able to do in England; but they organised themselves to offer as much opposition as their position would permit. The authors of the Montford Report had gone a long way to disarm their opposition and to win their co-operation; and they had written:—“We regard it as a libel on the Indian Civil Service as a body to say that they have resisted or will resist the policy announced last August. They have welcomed it because no one knew better than they how badly a declaration of policy was needed and they will carry it out with determination just as they have always carried out the policy laid down for them.”²

¹ The Indian Annual Register, 1919, pages 83 and 84.

² The Report on Indian Constitutional Reforms, 1918, pages 206 and 207.

It is no doubt true that the vast majority of the members of the Indian Civil Service ultimately decided to work the Reforms of 1919; but soon after the publication of the Montford Report they organised themselves to protest against the proposals and to repudiate the statement of Mr. Montagu and Lord Chelmsford that they welcomed the reforms. The circular, containing the draft of the Memorial to be submitted to the Secretary of State for India, sent to the members of the service by the Indian Civil Service Association, Madras, states:—"We do not intend now to criticise the proposals regarded merely as a scheme for administering British India; but as a reference to the subject in the English Press suggests that the I.C.S., as a whole approves and even welcomes the scheme, we think it desirable to say that it is not so."¹

In 1918 several I.C.S. associations were organised in the country. Two of them were established in Bihar and Madras and a third one was under contemplation for Bengal, but which did not actually come into existence. The Bihar Association had issued a confidential circular, which was somehow secured by the *Searchlight*, Patna, and published in its issue of December 20, 1918. A similar circular letter was also sent by the secretary of the Madras I.C.S. Association to British members of the Indian Civil Service. A copy of it reached the office of New India, Madras, and was published by it in its issue of January 11th, 1919.

The Madras letter contained a draft of the memorial which was intended to be submitted to the Secretary of State for India. It was described by one of the members of the Service, to whom it was sent for signature, as "just one long, dismal whine. It is full of political innuendo; it is peevish, not to say mutinous in tone."²

The Madras Circular caused a great stir in Indian political circles and public meetings were held in various parts of the country to condemn the action and attitude of the members of the Indian Civil Service.

¹ The Indian Annual Register, 1920, page 213.

² *Ibid*, page 221.

The opposition of the I.C.S. to the Montford proposals, unwise and intemperate as it was, was also natural under the circumstances. They had enjoyed a most privileged and powerful position in the government of the country for many generations. All of a sudden they were faced with the prospect of occupying a subordinate position—not at once, it is true ; but gradually, in any case. They lost control over themselves and gave way to a counsel of despair. The Bihar and Madras circulars demonstrate their nervousness and anxiety. They also, unfortunately, show that the members of the I.C.S. were actuated very largely by selfish motives. However, the Government of India became greatly alarmed and the Viceroy hastened to appease the I.C.S. by singing its praises and by promising full protection of their economic and political interests.¹ The speech of Lord Chelmsford, however, gave fresh offence to the leaders of public opinion in India. It was interpreted as a victory of reactionary forces. On the one hand, it had patted the rebellious members of the superior services and on the other it had announced the determination of the Government to proceed with repressive legislation proposed by the Rowlatt Committee. As a matter of fact, just after the speech of the Viceroy, the Home Member introduced the "Black Bills", as they came to be called, in the Indian Legislative Council. This doubly unsatisfactory attitude of the Government exasperated the feelings of the people and led to the creation of an agitation in the country the like of which had never been witnessed before.

VII

The announcement of August 20, 1917, and the publication of the Montford Report were thus the starting points of political differences in India. Not only were the various communal organisations reorganised and revitalized during 1917-18 the ranks of the Congress were again split in 1918—and, unlike 1907, the secessionists formed a separate political

¹ Read the Speech of Lord Chelmsford before the Indian Legislative Council, delivered on February 6, 1919.

organisation of their own, with both national and provincial associations, which made reunion well-nigh impossible.

As stated in a previous chapter,¹ one of the main objects of Mr. Montagu's Indian visit was to bring about the formation of a Moderate party pledged to the support of his reforms scheme and willing to work on its behalf both in India and in England. He had come to an understanding with some of the Bengal leaders in this connection² before leaving India. And shortly before the publication of the Montford Report, the "National Liberal League" was started in Bengal at Calcutta. Two days after the publication of the Report on Indian Constitutional Reforms Mr. Surendranath Bannerjee convened a meeting of the Indian Association, Calcutta, to express approval of the Montford proposals. In August 1918, the National Liberal League organised the first Conference of the Bengal Moderates under the presidency of the conservative Raja Peary Mohan Mukherjee, who not only gave his whole-hearted support to the Montford scheme but also dwelt upon the difficulties of introducing responsible government in India. "There are in India eighty races, speaking as many different languages and following more than a hundred different forms of religion. Among them there is no unity and hardly any solidarity."³ He ended by saying:—"Thoughtful men naturally dread the disasters which follow a period of transition from official to popular rule, and welcome the scheme embodied in the Report as a substantial advance towards self-government full of future promise and hope."⁴ The Conference passed a lengthy resolution expressing grateful thanks to Mr. Montagu and Lord Chelmsford, recognising that the Montford proposals constituted a substantial step towards the progressive realization of responsible government and welcoming the scheme in its general principles and outline "subject to modifications in the light of such suggestions and criticisms as may be received from public bodies."⁴

¹ See Chapter XXVII, *supra*.

² See Section I, Chapter XXVII, *supra*.

³ The Indian Annual Register, 1919, Part IV, page 150.

⁴ *Ibid*, page 151.

Shortly after the publication of the Montford Report nine moderate leaders of Bombay issued a manifesto explaining their attitude towards the Reforms Scheme. The attitude of the Moderate leaders was the same all over the country—they were convinced of the honesty, sympathy and sincerity of purpose of the authors of the Report and they regarded the proposals on the whole as progressive and substantial, though they made a number of suggestions to improve the scheme, especially in the part relating to the Government of India.

The leaders of the left wing of the Congress were divided into two groups. The extremist group, consisting of the advanced Home Rulers, regarded the scheme as "based on an unqualified distrust of the people of India and is so radically wrong alike in principle and in detail that in our opinion it is impossible to modify and improve it."¹ On the other hand, the central group, which came more and more to the fore-front in the councils of the Congress as time passed after the publication of the Report, looked upon the Montford scheme as unsatisfactory and unacceptable unless altered materially. In other words the central group in the Congress was not for total rejection of the Montford scheme but for its radical modification.

There was however a good deal of difference between the position of the Moderates and that of the central group in the Congress—the one considered the Montford proposals as on the whole progressive and substantial, whilst the other regarded them as unsatisfactory and disappointing. But, strange as it may appear, this difference was more verbal than real—it was a difference more in the viewpoint than in substance. In their concrete proposals for modifications² there was a great deal common between the two groups. Both wanted the introduction of an element of responsibility in the

¹ Home Rulers' Manifesto, July 8, 1918, "The Indian Annual Register, 1919, Part IV, page 119.

² The resolutions passed at the special sessions of the Indian National Congress and of the All-India Moderate Conference are printed in parallel columns in the Indian Annual Register, Part IV, pages 55 to 65.

Central Government. Both were anxious to enlarge the sphere of responsible government in the provinces and to restrict the powers of the Heads of Governments. Both asked for the abolition of the India Council and the relaxation of control over the Governments in India. Under these circumstances, it appears to me, that if the Moderates had not decided to abstain from the special session of the Congress there might have been no split in the Congress over the question of Montford Reforms. But the Moderate leaders had made up their mind to separate and to form themselves into an independent party to work the reforms.

What were the causes of this separatist action? In my opinion, there were three chief reasons which were responsible for the secession of the Moderates.

The first important cause was the belief of the Moderates that the Congress was dominated by the Home Rulers who had expressed themselves as definitely hostile to the Montford proposals. They feared that the Congress would summarily reject the proposals which would place them in a very awkward situation. They therefore decided to abstain from attending the special session of the Congress held at Bombay at the end of August, 1918.

It is no doubt true that the first views expressed by Mr. Tilak, Mrs. Besant and other Congress leaders were on the whole uncompromising.¹ But by the time the special session of the Congress was held opinions had been modified and the importance of keeping the Moderates within the fold had come to be realised by wise leaders like Mr. Tilak, Mrs. Besant and Pandit M. M. Malaviya. It was for this

¹ The views of prominent Congressmen are thus summarised by Mr. Athalye :—"Mr. Tilak characterised it (Montford Report) as a 'sunless dawn'. Mrs. Besant held that the political reforms . . . were unworthy of England to give and of India to take. The Hon'ble Mr. Patel showed how in certain details the report had made retrograde proposals. Mr. N. C. Kelkar pronounced the proposals as cruelly disappointing and 'almost a wicked attempt to let Indian leaders be stewed in their own juice'. . . . Prof. Jitendralal Banerjea declared that the reforms were grudging, half-hearted, meagre, inadequate, and hence disappointing and abortive; whilst the veteran Dr. Subrahmanyam Ayer advised his countrymen not to touch the narcotic that was offered to them." Athalye : *The Life of Lokamanya Tilak*. pages 251-2.

reason that the Subjects' Committee of the Congress adopted a compromise resolution on the Reforms. As stated by Mr. Tilak in the open Congress :—"What we have tried to do in the Subjects' Committee is to distil 'the gourds and the cucumbers' together We were told the Congress was going to reject the whole scheme. I could never understand and have never understood what it means. Fortunately for all, we have been able to place before you a reasoned document, a resolution, which combines the wisdom of one party, I may say, the temperament of another party, and if you like to call it, I do not like to call it myself—the rashness of a third party." "The Montagu Report is a beautiful, very skilful and statesmanlike document. We asked for eight annas of Self-Government ; that Report gives us one anna of Responsible Government and says that it is better than eight annas of Self-Government. We now plainly say to the Government, we thank you for the one anna of Responsible Government but in the scheme we want to embody, not all that is embodied in the Congress-League Scheme, the rails might be different but the carriages that carry passengers might be transferred from one rail to another. This is what we have tried to do and we have tried to satisfy all parties concerned and a very difficult task has been accomplished."¹

Indeed the resolution on reforms passed by the Congress at its special session was so conciliating that it made some of the Moderate leaders think that they had made a mistake in not attending the Congress—and some of them later attended the usual, annual session of the Congress, which was held at Delhi in Xmas 1918.

However, the bulk of the Moderates stuck to their resolve of forming a separate Moderate or Liberal party and they held a special session of the Moderate Conference in November, 1918, at Bombay to formulate their views on the Montford proposals.

The second reason for the secession of the Moderates

¹ Athalye : The life of Lokamanya Tilak, pages 253 to 255.

from the Congress was psychological. Persons like Surendranath Bannerjee and Dinshaw Wacha, who had grown grey in the service of the country and who had not expected such quick developments as were brought about by the War, were won over at once by the talk of introducing responsible government. They had really waited so long that they could not think of waiting any longer—they jumped to grasp the hand of fellowship that was at last extended to them. Some of the Moderates had also become conservative by age and experience ; and they were afraid of a too rapid progress. They were too conscious of the weaknesses and drawbacks of their own people and wished to go slower.

The third reason was perhaps more important. The Moderate leaders were impressed by the earnestness of Mr. Montagu and they had become convinced of the sincerity of his purpose. They believed there was really a change in the angle of vision of the rulers which necessitated a corresponding change in the attitude of the Indian leaders. They were pained to see that the Congress leaders were not recognising this change—"the profound change in the spirit and the policy of the Government" and were persisting, "despite the altered conditions, in a campaign of opposition,"¹ as pointed out by Surendranath Bannerjee in his presidential address at the First All-India Moderate Conference at Bombay. The Moderate leaders were afraid that if they did not strengthen the hands of Mr. Montagu with their support the reactionary and extremist forces would prove too strong for him and they may lose this God-given opportunity which may not recur for a long time. It was for this reason that some of them had agreed to form a separate Moderate party at the instance of Mr. Montagu, as pointed out above. Some of the Moderate leaders also sincerely believed that the time had come to give a new orientation to the national policy. The time for criticism and opposition had gone and the time for co-operation and constructive work had arrived and that there

¹ The Indian Annual Register, 1919, Part V, page 47.

was an urgent need for the formation of a new, constitutional party for the working of the responsible system of government.

Such then were the reasons for the secession of the Moderates from the Congress in 1918. To these was added another—the attitude of the extremists at the Delhi Congress and in the country.

At the special session of the Congress the desirability of keeping the Moderates within the fold had kept the extremists under check but when once the Moderates had definitely broken away and had held a separate All-India Conference it became almost impossible to keep the extremist element under control. At the Delhi Congress—in spite of the efforts of the President, Pandit Madan Mohan Malaviya—the Moderate leaders like Mr. Srinivasa Sastri could not get a patient and uninterrupted hearing. And the Congress adopted a more extreme resolution demanding full self-government in the provinces. Many of the speakers attacked the policy of the Moderates and the mover of the resolution showed how inconsistent was the position of Mr. Surendranath Bannerjee who had been supporting the Congress-League scheme till December 1917 and who had been asking for full self-government within a specified time limit.

The position of the Moderates was still worse in the country, where they were being denounced as traitors and job-hunters. During the next few years they were very unpopular in the public—and were being shouted down at public meetings. This made the breach complete and permanent. And even when Pandit Moti Lal Nehru invited them to join the Amritsar Congress in view of the recent unfortunate happenings in the Punjab—on which question there were hardly any differences between the Moderates and the Extremists—they refused to join.

Early in 1919, there was also a split among the Home Rulers. By that time Mrs. Besant had become almost a Moderate—and her opposition to Mahatma Gandhi's proposal to start *Satyagraha* if the Rowlatt Bills became law precipitated the matters. She was ousted from the presidency of

the Indian Home Rule League but was elected President of the National Home Rule League by her personal followers.

VIII

Before concluding this chapter, it is necessary to make a brief reference to the position taken up by the non-official members of the Indian Legislative Council on the Montford Report. The position of the Moderates was very strong in the supreme legislature—only two members (Messrs. Patel and Khaparde) belonged to the left wing of the Congress and three (Pandit Malaviya and Messrs. Jinnah and Mazarul Haque) to the centre group of the Congress—the remaining 22 elected and five nominated non-official members were all moderate and conservative gentlemen. Under such circumstances the fate of the resolution moved by the leader of the Moderates was a foregone conclusion.

On the 6th September, 1918, Mr. Surendranath Bannerjee moved the following resolution in the Indian Legislative Council:—

“(1) This Council thanks His Excellency the Viceroy and the Secretary of State for India for the Reforms Proposals, and recognises them as a genuine effort and a definite advance towards the progressive realization of responsible Government in India.

(2) This Council recommends to the Governor-General in Council that a Committee consisting of all the non-official Members of this council be appointed to consider the Reforms Report and make recommendations to the Government of India.”¹

The first part of the resolution was opposed by Messrs. Patel and Khaparde and was also strongly criticised by Pandit Malaviya and Mr. Jinnah. The second part was supported by all Indian members but was opposed by the two European representatives of the Chambers of Commerce. Both parts of the resolution were thus passed by huge non-official majorities as was expected and the non-official members

¹ Bannerjee : A Nation in Making, page 310.

of the Council constituted themselves into a committee for the consideration of the Montford Report, with Surendranath Bannerjee as the Chairman and Srinivasa Sastri as the Secretary. In due course the Committee presented its report. Writes Sir Surendranath Bannerjee :—"Into its details I need not enter. The Scheme, although a genuine and a definite advance, did not come up to our expectations. Especially was this the case in regard to one point ; no responsibility in the Central Government was provided, and we urged it with unequivocal emphasis in our report, as we did in our evidence before the Joint Committee and in all our representations."¹ As pointed out by Mr. Rushbrook Williams in "India in 1917-18" :—"The real importance of the work of the Committee lay in the fact that the Montagu-Chelmsford Scheme was now accepted by the moderate section of elected members of the Indian Legislature as a basis for the future constitutional development of India."²

¹ Bannerjee : A Nation in Making, page 314.

² India in 1917-18, page 60.

CHAPTER XXX.

THE TRAGEDY OF AMRITSAR.

I

The year 1919 is one of the most fateful years in the history of British India. Though technically a year of peace—the first after five years of the Great European War—it was a year of grave political turmoil, so much so that it was officially described that several districts in the Punjab were in open rebellion against the Government and that there was a wide-spread conspiracy to overthrow British rule in India. Both the majority and the minority reports of the Disorders Inquiry Committee, 1919-20¹ agree in holding that there was no conspiracy in any part of India in 1919 to overthrow the British Government though there is a difference of opinion between them as to the exact nature of the disorders—the majority report justifies the use of the word “rebellion” while the minority report conclusively proves that the riots, serious and violent as they were, did not constitute a “rebellion” in any strict sense of the term. The Dispatch of the Secretary of State on the Hunter Committee Report avoids the use of the word “rebellion” and employs the word “disorder”—“open disorder.” On the other hand Sir Michael O'Dwyer, the Lieutenant-Governor of the Punjab at the time of the unfortunate occurrences, still persists in holding that there was an organised rebellion, a huge and clever conspiracy throughout India to overthrow British rule.² However, whatever may be the views of a particular individual, no one can deny the seriousness of the situation in India in April 1919, and especially in the province of the Punjab, and also the fact

¹ The Committee is popularly known, after the name of the Chairman, Lord Hunter, “Hunter Committee.”

² See Chapter XVII, headed “The Punjab Rebellion of 1919” pages 263 to 318 of O'Dwyer: *India as I knew it*.

that the authority of the British Government was challenged in the country—deliberately and openly—on an unprecedented scale.

What were the causes that produced such a situation at a time when the war-weary world was busy celebrating the end of the most devastating and colossal war in world history? There were several factors that were responsible for creating the unfortunate situation but they may all be grouped together under three main heads—Economic, Natural and Political.

II

To begin with the economic factor. While the help that India gave in winning the Great European War—in the shape of men, money and materials¹—has been adequately recog-

¹ The War contribution of India in all the three spheres was substantial. As far as men were concerned, "altogether India had put into the field close upon one and a half million men and her casualties amounted to over 106,000" (Speech of the Maharaja of Bikaner, June 1919, reported in the Indian Annual Register, 1920, page 28). As regards materials, Mr. Rushbrook Williams writes:—"In the matter of materials, India's contribution was at least as important as her effort in man power." She equipped the armies sent on service overseas and relieved Great Britain and America "of a heavy burden as India became an adequate base of supply for Mesopotamia and other theatres of War. The flourishing cotton and jute industries were placed at the service of the allies; the infant iron and steel industry proved remarkably useful. The wolfram mines of Burma were developed until they produced one-third of the world's output; the Indian deposits of the manganese ore became the principal source of supply to the European allies. Mica, saltpetre, rubber, skins, petroleum, tea—the list of supplies forth-coming can be lengthened almost indefinitely. In foodstuffs also, India's services, particularly to Great Britain, were remarkable, for she was able to place at the disposal of the Royal Commission on Wheat Supplies a total of some 5,000,000 tons." (Cambridge History of India, Vol. VI, page 483). "From the financial standpoint, the war effort of India is well worthy of commemoration." To begin with, she met the cost of her armies abroad. This cost varied between £20,000,000 and £30,000,000 per annum. This was increased after September 1918 by at least another £12,000,000. Then there was the war gift of £100,000,000 made in 1917. "Lastly, mention must be made of generous contributions towards war charities, which among other causes bore the burden of Red Cross work. The "Our Day" fund rose to £800,000, the "Imperial India Relief" fund to £1,000,000. The various provincial war funds realised large amounts, which were expended upon comforts for the troops and their dependents." To these contributions must be added those made by the Princes. "The bare list of their donations fills 200 printed pages. In money, in cars, and in supplies, the aggregate value of these gifts totals many millions." (Cambridge History of India, Vol. VI, page 484.)

nised, it is not generally realised that the people in India, suffered terrible hardships on account of the War.

When the War broke out the financial position of the Government of India was a strong one, and during the first year and a half of the war it was not felt necessary to increase taxation ; but in 1916 additional taxation, in the shape of increased customs duties, had to be levied to meet the deficit of £2.6 millions. In this connection, the Finance Member stated in the Indian Legislative Council—"The only important item in the existing tariff on which I have not yet touched is cotton manufactures. For the last 20 years¹ the position has been that cotton twists and yarns of all kinds are free of duty, while a duty at the rate of 3½% is imposed on woven goods of all kinds, whether imported or manufactured in Indian mills. We propose to leave the position here as it stands."²

The exclusion of cotton goods from the list of commodities on which additional customs duties were levied was naturally severely criticised by the non-official members of the Council and Sir Ibrahim Rahimatoola went to the extent of moving an amendment recommending the raising of the cotton import duty from 3½% to 6%. Addressing the Chair, Sir Ibrahim said :—"Sir, it appears to me that it is rather hard that when the Government of India want the revenue, when the country is willing to agree to give them that additional revenue from a source which is agreeable to themselves that they should be debarred from doing so and in that way necessitate the proposal for the increased salt tax."³ But the Finance Member pleaded orders from above. The Government of India had represented the matter to the Secretary of State. "But His Majesty's Government, who have to consider the position from a wider standpoint, felt that the raising of the question at the present time would be unfortunate, as it would provoke a revival of old controversies at a time when they specially

¹ For early history of the Cotton Duties, see Section VII of Chapter XV *supra*.

² Quoted by Shah : History of Indian Tariffs, page 326.

³ Discussion on the Financial Statement, 1916-17, page 111, quoted by Shah : History of Indian Tariffs, pages 327-28.

desired to avoid all contentious questions both here and in England, and might prejudice the ultimate settlement of the larger issues raised by the war."¹

However, next year it was necessary to increase taxation still further—because besides meeting the expenses of Indian armies overseas, the Government of India felt it necessary to make on behalf of India a gift of £100,000,000 to the British Exchequer. The amount was raised largely by means of loans; but, "in order to meet the consequent recurring liabilities, additional taxation was necessary. The ordinary income tax was supplemented by a super tax on large incomes. A surcharge was imposed on railway goods traffic . . . the export duties on jute and jute manufactures were doubled."² But still more revenue was required and the Government of India again approached the Secretary of State to permit the raising of the cotton duty from 3½% to 7½% without increasing the excise duty and this time the permission was, at last, granted. But the step aroused a storm of opposition in Lancashire and the Secretary of State was pressed to remove the additional duty on cotton goods imported into India. Mr. Austen Chamberlain, who was then the Secretary of State for India, defended the action of the Government of India in the House of Commons on both economic and imperial grounds. He considered it both indecent and ungrateful to accept the gift of £100 millions and not to allow India the means of raising additional revenue for the purpose. The whole position was correctly and briefly stated by the *London Times* in its issue of March 5, 1917:—

"The Indian cotton excise duty has always been politically, economically and above all morally indefensible. . . . India considers that the excise was imposed out of fear for the Lancashire vote, and no one can say that India is wrong in her belief. . . . The most absurd feature of the excise duty has been that Lancashire never required this benefit.

¹ Discussion on the Financial Statement 1916-17 quoted by Shah: *History of Indian Tariffs*, page 326.

² *Ibid*, page 329.

The Indian mills produce coarse fabrics, while Lancashire chiefly sends cloths of finer qualities to India. This is being admitted in Lancashire to-day and the admission stamps the revived agitation as unreal. . . . We have repeatedly sought to warn both Lancashire and past Governments that India, where public opinion is now awake and alert would not for ever tolerate a tariff dictated by English considerations."¹

The gift of £100 millions, in addition to the other heavy war commitments, imposed a heavy economic strain on the people and raised taxation to a very high level ; but it also undid a wrong (no doubt only partially for the time being) from which India had been suffering for several decades past. However, the burden of taxation went on increasing every year and by March 1919 it had become so great that the people could no longer tolerate it silently. They began to raise their voice publicly and to ask for relief, especially in view of the fact that the War had ended in the victory of the Allies.

III

However, more important than the increase of taxation in India was the tremendous rise in prices of commodities in daily use. "In the case of food grains the prices generally rose by an average of 93 per cent, since the commencement of the War, while the increase in piece-goods was just under 190 per cent for imported goods and just over 60 per cent for Indian made goods."² During the first three years of the War the rise in the prices of foodstuffs was not serious, owing to good monsoons and crops—it became great in 1918-19 due to the failure of the monsoon in 1918, as will be seen later. "On the other hand, the prices of salt, of cotton cloth, and of kerosine, of which the imports were restricted owing to shortage of freight, rose very high."³ The high prices were also aggravated by speculation and control of available supplies by large dealers. The Government tried to relieve distress

¹ Quoted by Shah : History of Indian Tariffs, pages 330 & 331.

² India in 1919, page 63.

³ India in 1917-18, page 86.

by opening salt depots and shops and by supplying cheap standardised cotton cloth. None the less, the distress caused by the shortage of supplies and the abnormally high prices was very great—in fact much greater than in the European countries, owing to the extreme poverty of the people in India.

The rise in prices was due no doubt to the decrease in imports from Europe and America owing to the concentration of effort in war work and also on account of the restrictions placed on transport facilities. But there was another important cause of the large increase in prices in India—it was the tremendous expansion in the currency of the country. The Government had to provide currency not only to meet India's own increased needs due to her large expenditure for war purposes but also because she had to finance the purchases¹ made on behalf of Great Britain and her allies. "Payment for these . . . was, it is true, made in London, but owing to the difficulty of transferring funds, India had to find the money in the first instance. As a result she became involved in currency difficulties of the most serious nature,² which may claim to be ranked among her sacrifices in the cause of victory."³

The distress caused by the dislocation of economic life and by the shortage and high prices of the commodities of daily use was very great in India, both in the town and in the country, and it produced its effects in both urban and agrarian unrest. Strikes of labourers became common in industrial centres and there was looting of markets by the hard pressed people in the various parts of the country. There were, however, two manifestations of the agrarian unrest—one in Champaran in Bihar and the other in the Kaira District of Gujrat—which deserve special mention and treatment.

¹ The extent to which India had to finance the purchases for the Allies is shown by the following figures:—"Special liabilities for what may be called remittance purposes reached in 1917-18 some £110 millions, which is considerably more than the total current revenue." "In all . . . the Funds provided amounted in 1918-19 to no less a sum than £140 millions." India in 1917-18, page 80.

² For a short statement of the currency difficulties and as to how they were overcome, see *Ibid*, pages 76-79.

³ Cambridge History of India, Vol. VI, page 484.

IV

The agrarian problem in Champaran was really of long-standing, but it had become very acute in 1917. The district of Champaran was covered with indigo factories run by European planters in most cases. Land was cultivated by tenants on the *Tinkathia* system according to which 3 out of every 20 Kathas (bigha) were to be devoted to the growing of indigo. It was the grievance of the tenants that they were forced by the planters to grow indigo on the best portion of their holdings, to devote the largest portion of their time to indigo cultivation, and that they were paid prices which did not cover even the cost of cultivation.¹

With the advent of the cheap synthetic dyes in the market, the manufacture of indigo became unprofitable and the position of the tenants became still worse. The planters invented a new method of making money. They took advantage of a provision in the Bengal Tenancy Act and raised the rents of the tenants by 45 to 75 per cent by agreeing to release them from the obligation to cultivate indigo. "This enhancement which is known as *Sharabeshi*, was taken in those villages in which the factories have a permanent or *mokarri* interest,"² and it amounted to a total of about Rs. 3 lakhs a year. Where the planters had taken only temporary leases there they insisted on receiving a lump sum—*tawan*—from the tenants to release them from the obligation to cultivate indigo. "The sums so realised varied in the different factories from Rs. 40 to Rs. 100/- per bigha and averaged Rs. 60/- per bigha."³ "The exact figures are not available, but I believe that the sums realised by all the factories on this head could be something between 16 and 20 lakhs."⁴

These enhancement of rents and the levying of *tawans* caused severe distress among the tenants in Champaran who

¹ Rajendra Prasad : The Agrarian Problem in Champaran, Hindustan Review, July, 1918, page 49.

² *Ibid*, page 52.

³ *Ibid*, page 52.

⁴ *Ibid*, page 53.

were also suffering from other illegal exactions and grievances. The planters were levying various kinds of *abwabs*¹ and were making the tenants do forced labour on inadequate wages and to lend their carts, cattle, etc., on nominal charges. By 1916, the sufferings of the tenants had become unbearable. Attention was drawn to them in the Bihar Legislative Council, but to no effect. Appeals were made to Congress leaders to intervene. Ultimately Mr. Gandhi was persuaded to go to the spot to study the conditions.

Mr. Gandhi reached Champaran in April 1917 and started to make a searching inquiry into the grievances of the tenants. A notice was served on him to leave the district; which he refused to obey and which was withdrawn under orders from the provincial government.² As a result of Mr. Gandhi's investigations³ the Government decided to appoint an official committee of inquiry with Mr. Gandhi as one of the members and Sir Frank Sly as the Chairman. The Committee did its work well and presented a unanimous report, on the basis of which the Champaran Agrarian Act was passed in 1918. The *tinkathia* system was abolished, the *sharabeshi* was reduced by 20 to 25 per cent., 25 per cent. of the sums realised as *tawans* were returned to the tenants, and the taking of *abwabs* was prohibited and the executive officers were empowered to take action against the offending landlords.

V

The Champaran Committee of Inquiry had hardly concluded its labours when Mr. Gandhi was called back to his own province. Owing to the excess of rains in 1917 in Gujrat

¹ The *abwabs* levied included *pyne-kharacha* (irrigation tax); exactions for the purpose of purchasing horses (*Ghorahi*), elephants (*Halhiahi*), motor cars (*Motorhi* or *Howahi*); taxes for keeping oil or cane presses (*Kolhuawan*), weights and measures (*Batchapir*) and for boiling turmeric (*chulhiawan*); and also feudal charges levied at the time of succession (*Bapahi-pytahi*), widow remarriage (*Sagaura*) marriage of girls (*marwach*) and on festivals such as *Dasahra* and *Chaitnami*.

² The whole story is told by Mr. Gandhi in his autobiography:—"My Experiments with Truth, Vol. II, pages 355 to 407.

³ "Mr. Gandhi succeeded in getting recorded statements of about 13,000 tenants, 5,000 in full and 8,000 giving in a tabular form a summary statement of their grievances". *Hindustan Review*, July 1918, page 51.

crops in the district of Kaira (Kheda) had fallen much below the normal—they were below 4 annas according to the estimate of the ryots though official calculation put them above 4 annas—and the Patidars requested the Government for the suspension of revenue collection. On the representation of two members of the Legislative Council, the collector of the district made an official enquiry as a result of which revenue to the extent of Rs. 1,75,000—instead of the Rs. 23 lakhs asked for—was suspended.¹ An influential deputation waited upon the Governor but no further relief was afforded. An enquiry was conducted by three members of the Servants of India Society, which resulted in the conclusion that the peasants' case was a just one. They represented the matter to the authorities and on the Governor's instructions a conference was held between the Commissioner, the Collector and Mr. Gandhi ; but the proposal of Mr. Gandhi for an official inquiry at which he should be allowed to be present was turned down. Thereupon Mr. Gandhi made an inquiry himself to test the truth of the Patidars' case. When he was satisfied of the justice of the ryots' demand he again represented the matter to the authorities—but the official reply was that justice had been done already. Again questions were put in the Legislative Council, but they were ruled out of order. On the 23rd March, 1918, a resolution was moved in the Bombay Legislative Council asking for the making of an estimate of the crop by the Government Department of Agriculture, but it was opposed by the Government and defeated. Writes Mr. Gandhi :—"At last all petitioning and prayer having failed, after taking counsel with co-workers, I advised the Patidars to resort to *Satyagraha*.² Thus was *Satyagraha* inaugurated for the first time in India by Mr. Gandhi.

The Kaira ryots were asked to take a pledge not to pay government revenue as the crops were below 4 annas. But if the Government agreed "to suspend the collection of the

¹ See Sir Sankaran Nair's Note of Dissent dated March 5, 1919 quoted in the Indian Annual Register, 1919, Part IV, page 82.

² Gandhi : My Experiments with Truth, Vol. II, page 430.

second instalment of the assessment throughout the district, such amongst us as who are in a position to pay will pay up the whole or the balance of the revenue that may be due."¹

The *Satyagraha* was started on the 28th March, 1918. Writes Sir Sankaran Nair :—"The Government rent or revenue was not paid. Properties including household utensils, milch cows, were attached, orders of forfeiture of lands were issued by the Government and all possible steps were taken by the revenue officials to enforce payment of revenue. About the 12th or 13th of April the Commissioner himself called a meeting of all the ryots and tried to impress upon them the necessity of complying with the Government orders, threatening them with dire consequences in default, and telling them not to heed their advisers, the Home Rulers, who themselves will not suffer in person the consequence of non-payment of revenue. But the ryots persisted in their attempt."² Even the village headmen turned against the Government. "On the 25th of April, the Government suspended the collection of revenue by ordering that only those who were in a position to pay the revenue need do so, and the rest might do it next year. . . . But curiously enough this order was not promulgated till the 3rd of June. Till then the attachment of property and various other proceedings continued."³ Mr. Gandhi himself came to know of the Government decision indirectly ; but, in spite of the unsatisfactory attitude of the officials, decided to call off the *Satyagraha* campaign.

Mr. Gandhi was not altogether satisfied either with the results of the campaign or with the attitude of the ryots. Although he was impressed with the courage and capacity for suffering displayed by the peasants, he was also pained to see cases of incivility and hitting back, and he tried his best to teach to the ryots the essence of *Satyagraha* and to make those who fell from the ideal to openly confess their guilt and to suffer the legal penalty. In his famous speech of the

¹ Gandhi : My Experiments with Truth, Vol. II, page 431.

² The Indian Annual Register, 1919, Part IV, page 83.

³ *Ibid*, page 84.

27th May, 1918, delivered at Khandhali, Mr. Gandhi explained the meaning of *Satyagraha* thus :—

“The first thing to do in any struggle of *Satyagraha* is to stick to the truth. In this struggle we are not to oppose anybody, we are not to abuse anybody. If the opponent abuses us, we have to tolerate it. If he gives a blow to us with a stick, we have to bear it without giving a blow in return.

“Secondly, a *Satyagrahi* has to be fearless. He has only to perform his duty. You know that so long as we stick to truth we remain absolutely free from fear. You will always get protection if your dealings be straightforward. Always stick to truth ; never be mischievous. A *Satyagrahi* will always welcome imprisonment or a warrant if he has committed a crime. Even if he had not committed it, he should welcome it. The Government has authority over this body, not over the soul. A soul can only be conquered through love. A *Satyagrahi* understands this, and therefore, whether he has committed a crime or not, he remains fearless.”¹

The Kaira peasants tried to follow the advice of Mr. Gandhi, and ultimately the end of the struggle came on the 3rd June, 1918. Writes Mr. Gandhi :—“Although the termination was celebrated as a triumph of *Satyagraha*, I could not enthuse over it, as it lacked the essentials of a complete triumph.” However, he was of opinion that the Kheda campaign was of great indirect benefit to the nation and that it left an indelible mark on the peasants of Gujrat. “The Kheda *Satyagraha* marks the beginning of an awakening among the peasants of Gujrat, the beginning of their true political education. Public life in Gujrat became instinct with a new energy and a new vigour. The Patidar peasant came to an unforgettable consciousness of his strength. The lesson was indelibly imprinted on the public mind that the salvation of the people depends on themselves, upon their capacity

¹ Indian Annual Register, 1919, Part IV, page 80.

for suffering and sacrifice. Through the Kheda campaign satyagraha took firm root in the soil of Gujrat."¹

VI

The Champaran and Kheda campaigns focussed the attention of the nation on the sufferings of the poorer classes. All over the country there was severe distress owing to the tremendous rise in prices—especially of such commodities as cotton cloth, kerosine, salt, oil and spices. This was aggravated greatly in 1918-19 by natural calamities such as famine, plague and influenza.

It is well-known that India is dependent for her well-being and prosperity on a normal monsoon,—if the monsoon fails more or less completely, Indian finance is at once thrown out of gear and the people suffer terrible hardships. In 1918-19 rainfall was deficient by some 6·5 inches or by 19 per cent. "There was no province which did not suffer from a shortage of the monsoon either partial or complete, with the result that the crop failure of 1918-19 was one of the worst on record in the last decade:" almost as bad as that of 1900-01. "Coming as it did on failure of the millet crop in the previous year, and at a time when prices had already begun to rise under the pressure of world causes, it produced effects which the best efforts of the administration could only palliate but not control."² The Government tried to relieve distress by a carefully organised control of food materials, by importing wheat from Australia and by opening cheap grain shops. But, writes the author of the official annual report "India in 1919", "despite all that the Government could do, these high prices and shortage of food caused the greatest distress and embarrassment in India. They have pressed most hardly on the poorer classes and on people living on small fixed incomes in the towns ; but the effect of them has been felt by every section of the community. It is perfectly true that the average rise in retail food prices in India has been far less

¹ Gandhi : *My Experiments with Truth*, Vol. II, pages 441-42.

² *India in 1919*, page 64.

than in other parts of the world. . . . But since the margin of subsistence in India is considerably lower than that of other countries, the poorer classes have suffered to a disproportionate degree."¹ "As in 1917, sporadic rioting accompanied by the looting of markets, broke out among the rural population in certain parts of India."²

On the top of this terrible suffering came the plague and influenza epidemics. In consequence of the excessive rains, it is conjectured, plague made its appearance in a virulent form in 1917 and between July 1917 and June 1918 over 800,000 deaths took place from plague in the country. The death roll was increased still further by the prevalence of malaria and cholera in the various parts of the country. But "bad as were the general conditions of public health in India during the year 1917, those of 1918 were infinitely worse. In the month of June 1918 came the first intimation that influenza in a virulent form was attacking India."³ The epidemic started in Bombay and spread all over the country causing severe distress and terrible mortality. Within four or five months over six million people died from this disease in the country.

The death figures, appalling as they are, can give at best a poor idea of the actual sufferings of the people. The medical arrangements were hopelessly inadequate to cope with the epidemic which affected from 50 to 80 per cent of the total population. The economic condition of the people was appallingly bad. "The staple food grains were at famine prices and the scarcity of fodder reduced the quantity of milk available"—"the price of nourishing food and also of such comforts as blankets and warm clothing was extremely high." Hence even those who ultimately recovered did not regain normal strength for a very long time. All these causes combined to make the sufferings of the people intensely acute, especially in central, northern and western portions of India.

¹ India in 1919, page 67.

² India in 1917-18, page 90.

³ *Ibid*, page 182.

VII

India was thus passing through terrible strain and distress during the years 1917 and 1918 and as a result there was acute discontent in the country. This was increased several fold by political causes.

Mention has already been made in a previous chapter of the action taken under the Defence of India Act to suppress the revolutionary movement in Bengal and the Punjab. According to Mr. Montagu, the Secretary of State for India, altogether 1,600 persons were dealt with under the Act.¹ In the Punjab all political life was at a stand-still during the War ; but in Bengal and the other provinces conditions were different. During 1917 there was strong agitation all over the country (excepting the Punjab) over the Government policy of internments. Allegations were made, especially in Bengal, of the ill-treatment of the détenues and of their being kept in insanitary and dangerous places. There were three cases in particular, which aroused feelings of great indignation throughout the country and specially in Bengal. In two cases—those of Professors Jyotish Chandra Ghose and Manindranath Seth—confinement in solitary cells resulted in insanity and terrible suffering.² And the third case, although not so tragic in its consequences, was so shocking to the ideals and sentiments of the people that it convulsed the people in the province of Bengal in particular, with indignation and rage. This was the famous Sindhubala Case.

According to the Government Communiqué³ the C. I. D. discovered among the papers of a "dangerous" revolutionary a slip of paper containing the address of Srimati Sindhubala Dasi [c/o Kamanavia Ghosh, village Shahbazpur, P.O. Rajkumar, via Indas (Bankura)]. The Superintendent of Police of Bankura was asked by wire to search her house and to arrest her under the Defence of India Act. The Superintendent was not able to

¹ Mr. Montagu's Budget speech of 22nd May, 1919. See the Indian Annual Register, 1919, Part II, page 125.

² The Indian Annual Register, 1919, Part IV, page 16.

³ The Government Communiqué is printed in the Indian Annual Register, 1919, Part IV, pages 18 to 21.

find the house of Kamanavia Ghosh, mentioned on the slip of paper, but he discovered a Sindhubala in the house of one Kunja Ghosh. He went to the house, searched the place, and arrested Mrs. Natabar Ghosh, who was named Sindhubala. From her it was learnt that her brother's wife, Mrs. Dabendra Ghosh, was also called Sindhubala. To make things sure, the Superintendent of Police proceeded to the village of Debendra Ghosh and arrested the second Sindhubala as well. Both the women were taken to Bankura, where they reached at 11 in the night and were made to march on foot to the *thana*, from where they were conveyed the next day (6th January, 1918) to the jail. They were kept there for a fortnight and then released as there was no case against them as they were arrested by mistake.

The arrest of these two poor, *purda* women from two villages, in the interior of a district, without any definite information or previous inquiry, aroused an outburst of indignation and resentment among the people. Protest meetings were held at Calcutta and at other places and a resolution was moved in the Bengal Legislative Council in this connection. Feelings were running high, especially in Bengal, and the Government in order to allay discontent appointed a committee of two, consisting of Mr. Justice Beachcroft and Sir Narayan Chandavarkar, to review the cases of the internees.

The Beachcroft Committee reviewed in all 806 cases (100 state prisoners dealt under Regulation III of 1818, 702 internees restrained under the Defence of India Act, and four persons confined under the Indian Ingress Ordinance)¹ and found that evidence in possession of the Government justified detention in 800 cases and recommended the release of six *détenues*.

However, long before the Beachcroft Report was published public opinion in India was greatly agitated over the affair of Sir Subramaniya Aiyer's letter to President Wilson.

The letter was written in June 1917 and was sent to America through two American Theosophists, Mr. and Mrs.

¹ See Lovett: A History of the Indian Nationalist Movement, page 196.

Hotchner. The letter offered to raise ten million men for the war if freedom was promised to India. It stated :—"It is our earnest hope that you may so completely convert England to your ideals of world liberation that together you will make it possible for India's millions to lend assistance in this war."¹ Sir Subramaniam added a short paragraph to which strong objection was taken in England in the Parliament when the letter was published in that country in May 1918. He wrote :—"Permit me to add that you and the other leaders have been kept in ignorance of the full measure of misrule and oppression in India. Officials of an alien nation, speaking a foreign tongue, force their will upon us ; they grant themselves exorbitant salaries and large allowances ; they refuse us education ; they rob us of our wealth ; they impose crushing taxes without our consent ; they cast thousands of our people into prisons for uttering patriotic sentiments, prisons so filthy that often the inmates die from loathsome diseases."¹

The Secretary of State for India was pressed by some members of the Parliament to take action under the Defence of India Act against the author of the letter ; but, although he characterised the letter as "disgraceful" he decided to ignore it, on the advice of the Government of India. However, before the question was raised in the British Parliament the Viceroy and the Secretary of State had administered to Sir Subramaniam a personal rebuke, when he had waited upon them in connection with the question of political reforms. This was also stated in Parliament in June 1918. Thereupon Sir Subramaniam issued a letter to the Press explaining his position, offering to relinquish his titles and expressing his readiness to lose his pension, if necessary. As a matter of fact he actually wrote a letter to the Chief Secretary, Madras Government, renouncing his titles of K.C.I.E., and Diwan Bahadur.

This created a great stir in India and the action of Sir Subramaniam was applauded in the nationalist press throughout the country.

¹ The Indian Annual Register, 1919, Part II, page 45.

VIII

In July 1918 the publication of the Montford Report caused severe disappointment and discontent in the country. The war professions of the Allies and the lofty idealism of President Wilson had raised high hopes in the hearts of the people, and Indians were looking forward to the close of the War for an end of the bureaucratic government and the inauguration of an era of freedom and self-rule in the country. These high hopes were dashed to pieces by the publication of the Montford proposals. The people were disillusioned and shocked. There was terrible discontent in the country which was increased still further by the hostile propaganda of the Indo-British Association in England¹ and by the attitude of the Europeans and members of the superior services in the country.² A strong feeling was growing up in the country, that now that the War had ended in the victory of the Allies, the attitude of the Government towards the people and their aspirations had definitely become unfriendly.³ The speeches of provincial governors and the Viceroy—especially that of Lord Chelmsford early in February 1919—had intensified this feeling.

The soldiers returned from the war found the atmosphere in India very stifling on their return. Many of them had suffered terrible hardships especially during the first year of the War ; but they also had been acclaimed as heroes and

¹ Speaking on May 22nd, 1919, in the House of Commons and explaining the causes that led to the tragedy of Amritsar, Mr. Montagu said :—“One is fear, based upon the ceaseless activities of the Indo-British Association, that the Reforms promised on August 20, 1917, will not be carried out in an acceptable form. There is an association formed with the most laudable motives, which has carried on a ceaseless campaign against those reforms ever since the announcement was made. It has slandered and libelled whole sections of the Indian population . . . and it has provoked the suspicion that the British Parliament wants to go back on that pronouncement . . .” Indian Annual Register, 1919, Part II, page 124.

² See section VI, Chapter XXIX, *supra*.

³ Writes the author of “India in 1919” :—“There was a general feeling which, though quite unfounded, was nonetheless serious that since the signing of the Armistice there has been notable change in the attitude of European community, both official and non-official, towards Indian aspirations generally and towards political reforms in particular” (page 23).

saviours by the French. They were made much of and were treated with great respect and consideration. Their eyes were opened. They acquired a new sense of self-esteem and self-respect and a new scale of values. Foreign sojourn also broadened their outlook and taught them many new things. They expected a new heaven on earth on their return home. The Allied statesmen were holding out high hopes to the warriors who were fighting to end autocracy and to establish the reign of freedom and self-government. But when they actually reached their homes in the Punjab they found famine conditions and terrible hardships and autocracy reigning supreme—and a really hot reception being prepared for them in the shape of the Rowlatt Bills. It appeared that these measures were being framed specially for them—the Rowlatt Committee had said in so many words that the return of a large number of soldiers was likely to create a situation to meet which special repressive legislation was necessary. All this could not but produce great discontent and disillusionment.

There were also certain cases of racial arrogance which deepened the impression that the attitude of the Europeans towards Indians had again become domineering and unfriendly. The case which created a great sensation throughout the country was the one filed by Mr. Hassan Imam of Patna against Mr. Clayton of the I.C.S. Mr. Hassan Imam, an ex-judge of the Calcutta High Court and President of the Special Session of the Congress held in August 1918, was travelling in a first class railway compartment. Mr. Clayton, a high official of the Bihar Government boarded the train on a way-side station and entering the same first class compartment sat down on the chest of Mr. Hassan Imam, who was reclining on his berth. When explanation was demanded Mr. Clayton threatened and abused Mr. Imam. Ultimately Mr. Clayton tendered an unconditional apology and the case was withdrawn. But the case created feelings of disgust and indignation in the minds of the people.

Thus, by the beginning of 1919, the people were seething with discontent, both political and economic. About this

time the Viceroy announced the determination of the Government of India to proceed with repressive legislation recommended by the Rowlatt Committee. But, before dealing with the Rowlatt Report and the Rowlatt Bills, it is necessary to refer briefly to two other aggravating factors—the feelings of the Moslems on the question of the *Khilafat* and their anxiety over the peace terms to be offered to Turkey and the prevalence of special conditions in the Punjab before April, 1919.

IX

Political uneasiness in India was greatly increased by the Moslem fears resulting from the defeat of Turkey. There were rumours about the dismemberment of Turkey and the placing of countries containing the holy places of the Moslems under the hegemony of non-Muslim Powers, which involved the whole question of the *Khilafat*. Ever since Turkey decided to enter the Great War on the side of Germany the mind of the Moslems in India was uneasy. Assurances were given by British statesmen that the principles of nationality and self-determination would be applied to Turkish territories at the end of the War and that there would be no interference with the institution of the *Khilafat* by the European Powers. These assurances eased the situation during the War and enabled Indian Moslems to take their full share in defeating the Central Powers, including Turkey. But after the War was over people in the allied countries began to talk of punishing Turkey and assigning portions of the old Turkish Empire to this or that Power or people. The Jews were to be provided with a national home in Palestine. In Arabia Hussain was to be recognised as the *Sharif* of the Hedjaz and the mandates of Syria and Iraq were to be assigned to France and England respectively. Dardenelles was to be demilitarised and the capital of Turkey, Constantinople, was to be internationalised. All this talk was a source of grave anxiety to the Moslems in India. They looked upon Turkey as the one independent Moslem Power and upon the Turkish Sultan as the only sovereign who could discharge the responsible and heavy

duties of the *Khilafat*, i.e., of protecting the holy places of Islam. As was explained by Hakim Ajmal Khan in his presidential address at the Amritsar Session of the Moslem League held in December, 1919, it was not enough to say that the question of the *Khilafat* was a domestic concern of the Moslems—that it was a purely religious question to be determined by the Moslems alone. He said:—"On the contrary our representations are based on the ground that "temporal power" is the chief factor of *Khilafat*, which it is feared, will be destroyed by dismembering the Ottoman Empire as contemplated. The *Khilafat* must not be reduced to the position of His Holiness the Pope at Rome, with his influence extending to spiritual confines only."¹

Moslem opinion in India was greatly agitated over the impending fate of Turkey and the *Khilafat* and they had no heart to participate in the Peace celebrations. It is for this reason that Mr. Montagu regarded Moslem anxiety over the defeat of Turkey as the first political cause of the unfortunate happenings in 1919. In his Budget speech of May 22nd, 1919, he said:—"I put first among the political causes the perturbation and perplexity caused to the Mohammedan world by the discussions arising out of the defeat of Turkey."²

However, public opinion in India attached greater importance to another cause—the discontent created by the vigorous rule of Sir Michael O'Dwyer in the Punjab.

The Lieutenant-Governor of the Punjab, during the Great War, was a firm believer in strong, personal rule. According to him the main business of a government was to preserve "law and order." He had no faith in Executive Councils or political reforms.³ He had no sympathy with the higher

¹ The Indian Annual Register, 1920, page 446.

² *Ibid*, Part II of 1919, page 123.

³ Referring to the demand for an Executive Council Sir Michael said in the Punjab Legislative Council on 18th April, 1914:—"If it could be shown that the present administration of the Province suffers from certain defects, and that the addition of an Executive Council would remove those defects, then the matter might come within practical politics. In the middle of the 18th century, when political controversies and religious

political aspirations of the people. He did not like the educated classes who were always clamouring for more positions and powers and he never lost an opportunity of belittling their importance. During the War he ruthlessly suppressed all political life in the province and prohibited the entry of such respected national leaders as Lokamanya Tilak and Mr. B. C. Pal. And his great ambition was to outshine all provincial heads in supplying men, money and materials for winning the War. In this he certainly achieved signal success and the Secretary of State officially expressed the appreciation of the British Government for the War services of Sir Michael O'Dwyer. But it was a terrible price which both the Government and the people had to pay for this success. The British Government in India has not yet recovered either its reputation or prestige which it lost in 1919 as a result of the Jallianwala firing and the administration of Martial Law in the Punjab. And as to the sufferings of the people they were indeed colossal. Mr. Montagu in his Budget speech of May 22nd, 1919, casually referred to the sufferings of the people on account of the vigorous campaign of recruitment for the Army carried on by the Government of Sir Michael. He said:—"Recruitment for the Army has gone on in parts particularly affected by these disturbances with such zeal and enthusiasm that I think there is reason to believe many a family was left without its bread winner and consequently the area under cultivation has diminished."¹ This does not give an adequate idea of the hardships caused by the heavy recruitment for the Army in the Punjab.

Sir Michael's Government had assigned a quota for each district in the Punjab and had talked even of resorting to

discussions were almost as rife as they are in India today a poet and philosopher summed up the situation in the following words:—

"For forms of government, let fools contest,
 Whate'er is best administered is best,
 For modes of faith, let graceless zealots fight,
 He can't be wrong whose life is in the right."

(Quoted in Pearay Mohan's *Imaginary Rebellion & How it was suppressed*, page 401).

¹ The Indian Annual Register, 1919, Part II, page 123.

conscription if necessary. Subscriptions to the War Loan and contributions to other War Funds were also obtained on a similar basis. The subordinate officials, it is alleged, practised undesirable and oppressive methods in several districts to make up the quota in men and money. In a case in the Muzaffargarh district, the Sessions Judge, Mr. Coldstream wrote in his judgment:—"It is a matter of common knowledge that the efforts of the subordinate officials in Muzaffargarh to raise the war loan and to find recruits, owing to the methods adopted by Zaildars and Lambardars on whom pressure was brought to help in the matter, led to severe frictions in many places. It must be admitted too that these methods were frequently unauthorised, objectionable, oppressive, and opposed to the intentions of the Government. In remote tracts, they were found intolerable by the people. . . ."¹ In the Shahpur district matters assumed a still more serious form—where the over-zealous Tahsildar, Syed Nadir Hussain, who used very questionable and tyrannical methods, which, according to the note of Sir Michael himself, "amounted almost to conscription," was murdered by the irritated people. Official witnesses before the Special Tribunal which tried the murder case described the methods used by the late Tahsildar as follows:—His reader, Mr. Mohammad Khan said:—"The Tahsildar's method was to have a list of all men in a village prepared by the Patwari. . . . It was his practice to ask a family of 3 or 4 brothers to provide one or two recruits for the army. . . . The zamindars of this Ilaqa usually ran away on the approach of the Tahsildar, being not accustomed to service and being afraid to come in front of him."² Khan Ahmad Hussain Khan, Revenue Assistant deposed:—"I heard a complaint that he made men to stand naked in the presence of their women folk. . . . I never heard of any instance of a woman being tormented with thorns, but I have heard that men were confined between thorny bushes. . . .

¹ Quoted in the Congress Punjab Inquiry Committee Report, Vol. I, page 18.

² *Ibid*, page 19.

Ghulam Muhammad of Hazara Miani told me that some women had been ill-treated at Kaura-kot and also in some Pathan village, perhaps Gurna. He told me that some women had been taken to Midh Ranjha and thence to Bhulwal in order to induce their relations either to return or to enlist. . . . I have heard that Sher Ali of Bucha Kalan had 15,000 or 17,000 rupees of the Tahsildar's accumulated money. This money was reported as a result of bribery in recruiting. . . . The villagers' grievance was only about recruiting. . . . I only heard later on that two women of Ghullapur had been oppressed in the month of June. The Tahsildar himself informed me, that finding a large number of deserters belonging to Chhani Rehan, he had brought some pressure to bear upon them by grazing the crops of the villagers, with the result that the absconders returned."¹

It is not necessary to give other instances as it is now universally recognised that the methods employed by some of the subordinate officials in obtaining recruits and funds were objectionable and oppressive. But during the War, and even after, the people were not permitted to ventilate their grievances. All such expressions were branded as "sedition" and suppressed with an iron hand by the Government of Sir Michael. Mrs. Besant wrote in her book "The Future of Indian Politics" in 1922—when she had become a Moderate and had condemned in strong language the starting of *Satyagraha* against the Rowlatt Bills:—" . . . the harsh and oppressive rule of Sir Michael O'Dwyer, his press-gang methods of recruitment, his forced War loans, and his cruel persecution of all political leaders kept the covered-up embers of resentment alive, and ready to break into flame. At the Special Congress of 1918, in Bombay, Punjab delegates told us how they were living over a volcano, which any act of exceptional tyranny might cause to burst out. We were not therefore surprised when open trouble occurred in 1919 in this very province."²

¹ The Congress Punjab Inquiry Committee Report, Vol. I, page 19.

² Besant: The Future of Indian Politics, page 236.

X

The immediate cause of the popular outbursts in 1919—"The proverbial last straw", as it has been called by some writers—was the passing of the Rowlatt Bill popularly known as the Black Bill. The Secretary of State for India, before he left England in October, 1917 had agreed to the proposal of the Government of India to appoint a Committee consisting of Mr. Justice S. A. T. Rowlatt as president and Sir Basil Scott, Diwan Bahadur C. V. Kumarswami Sastri, Sir Verney Lovett and Mr. P. C. Mitter as members, "(1) to investigate and report the nature and extent of the criminal conspiracies connected with the revolutionary movement in India, (2) to examine and consider the difficulties that have arisen in dealing with such conspiracies and to advise as to the legislation, if any, necessary to enable the Government to deal effectively with them."¹

The Committee met early in January 1918 in Calcutta and held its sittings there and at Lahore *in camera*. "Documentary" evidence was placed before it by the Government of India and the provincial governments, who also deputed certain officials to appear before it. The Committee also examined some non-official persons, though their names are not made public. The report was completed and forwarded on the 15th April, 1918, and published before the Montford Report was given to the public.

The Sedition Committee Report described the beginnings and development of the revolutionary movement in India and came to the conclusions which are thus summarised by it:—"All these plots have been directed towards one and the same objective, the overthrow by force of British rule in India. Sometimes they have been isolated sometimes they have been interconnected; sometimes they have been encouraged and supported by German influence. All have been successfully encountered with the support of Indian loyalty. But it is not surprising that, in dealing with conspiracies so elusive and

¹ Sedition Committee Report, 1918, page 111.

carefully contrived, Government has been compelled to resort to extraordinary legislation."¹

The Committee was of opinion that the ordinary criminal law was not adequate to deal with cases of revolutionary crime and it enumerated the various difficulties experienced by the Government in the past, and recommended two kinds of special legislation (punitive and preventive) to meet the needs of the situation at the end of the War. In making this recommendation the Committee had borne in mind that it was not possible to forecast the result of the War. "On the other hand," it wrote, "the persons interned under the Defence of India Act will be due for release and the terms of imprisonment of many dangerous convicts will be coming to an end. Further, there will, especially in the Punjab, be a larger number of disbanded soldiers, among whom it may be possible to stir up discontent."² Hence it was necessary to have recourse to legislation of both permanent and temporary character and of punitive and preventive type.

Mr. Montagu, the Secretary of State for India at the time had given a clear warning to Mr. Justice Rowlatt before he entered upon his duties as president of the Sedition Committee. He writes in his Indian Diary :—"I explained to him that Government by means of internment and police was naturally a delightful method which built up only trouble probably for our successors, and that I hoped he would remember what was parliamentarily defensible in listening to the plan which had been prepared for him by the Government of India."³

It would thus appear that the Government of India had worked up the whole case and prepared a cut and dried plan before-hand and what the Committee did was to approve the plan of projected legislation and to add to it the weight of its authority. Be that as it may, the Government of India framed two Bills on the basis of the recommendations of the

¹ The Sedition Committee Report, 1918, page 180.

² *Ibid*, page 195.

³ Montagu : An Indian Diary, page 156.

Rowlatt Committee and in spite of universal popular protests decided to proceed with their enactment. However, only one of them was ultimately passed—all the non-official Indian members voting against it—and even that was never put into operation, owing to the unfortunate subsequent developments—the second Bill was dropped by the Government itself. Nonetheless, this Rowlatt legislation was responsible for a country-wide agitation the like of which had never been witnessed before in India.

XI

The Anarchical and Revolutionary Crimes Act, 1919,¹ to give it its official title, has been described both as a "Black Act" designed to suppress popular liberties and political life in India, and also as "aimed at the purification of politics"² and passed to safeguard the lives and property of the people against outbursts of anarchy and revolution" and misrepresented by the "small but noisy class as a deadly weapon aimed at the people whom it is intended to protect in situations of great emergency."³ It has been defended as necessary by the official world from the Secretary of State downwards and it has been condemned universally by Indians, both moderates and extremists. However to discover the truth it is necessary to examine the main provisions of the Act.

The Anarchical and Revolutionary Crimes Act, 1919, was divided into five parts. Part I was punitive, Parts II and III were preventive, Part IV brought persons already under

¹ It was introduced in the Indian Legislative Council, under the title Criminal Law Emergency Powers Bill on February 6, 1919. It was referred to the Select Committee against the unanimous opposition of non-official Indian members the next day. The Select Committee amended the Bill, changing its title and making it temporary (for three years from the termination of the War), with other minor changes. It reported on March 1st, 1919. The Amended Bill was discussed on the 12th, 13th, 14th and 18th and vigorously opposed again by the Indian members. It passed on the 18th March, 35 voting for and 20 against—only officials voting in favour of the measure. The Viceroy gave his consent on the 21st March and the Bill became law.

² Speech of Sir William Vincent, while introducing the Bill in the Indian Legislative Council on Feb. 6, 1919, "Punjab Unrest: Before and After," page 5.

³ Speech of Sir Michael O'Dwyer delivered on April 10, 1919, Pearay Mohan: The Imaginary Rebellion and How it was suppressed, page 13.

executive control within the purview of the Act, and Part V provided for the continuation of the proceedings till their conclusion after the Act, or any Part thereof, had ceased to apply in a particular area. None of the Parts could be applied to "the whole or any part of British India" till the Governor-General was satisfied of the necessity.

To put it in the words of the Home Member, Part I "provides for the speedy trial of offences without commitment and with no right of appeal."¹ If Part I was applied to a province, the Local Government may approach the Chief Justice to constitute a special court, consisting of three High Court Judges, to try a person accused of any of the scheduled offences—the offences against the State enumerated in a schedule at the end of the Act.² The Court may meet at any place and *in camera*. The accused may give evidence on oath on his own behalf, subject to cross-examination by the prosecution. The accused may defend himself but the court may admit in evidence statements recorded by Magistrates or made before the court, without cross-examination, contrary to the provisions of the Indian Evidence Act, "if the person making the same is dead or cannot be found or is incapable of giving evidence, and it is established to the satisfaction of the court that such death, disappearance, or incapacity has been caused in the interest of the accused."³ The decision of the majority of the judges was final and it could not be questioned in any court "provided that a sentence of death shall not be passed upon any accused person in respect of whose guilt there is difference of opinion among the members of the court."⁴

Part II of the Act was of a still more serious nature. Under it the Local Government of a province could order any person, who was believed to be concerned in any "movement

¹ "Punjab Unrest : Before and After," page 3.

² As instances of the scheduled offences the following may be mentioned :—sedition, rioting with deadly weapons; promoting enmity between classes; causing grievous hurt by dangerous weapons; causing hurt to extort property or to constrain to an illegal act; dacoity etc.

³ Section 18 (1) of the Act, India in 1919, page 209.

⁴ Section 16 of the Act, *Ibid*.

likely to lead to the commission of offences against the State," "to furnish security or to notify his residence, or to reside in a particular area or to abstain from any act specified or finally to report himself to the police."¹ This order under Section 22 was to be made in the first instance for one month ; and the Local Government was required to submit as soon as possible the case to an investigation authority for report. "Every investigating authority shall be appointed by order in writing, and shall consist of three persons, of whom two shall be persons having held judicial office not inferior to that of a District and Sessions Judge, and one shall be a person not in the service of the Crown in India."² The investigating authority was to hold the inquiry *in camera* but was required "to allow the person in question a reasonable opportunity of appearing before it" to offer any explanation. The person concerned was, however, not entitled "to be represented before it by pleader."³ On receipt of the report the Local Government may either discharge the previous order or issue any new order to which it is entitled under section 22, which may remain in force for not more than one year. If such an order is not obeyed or attempt is made to evade it the person concerned shall "on conviction by a Magistrate be punishable with imprisonment for a term which may extend to six months, or with fine, which may extend to five hundred rupees or with both."⁴ Provision was made under Part II for the appointment of visiting committees "to report upon the welfare and treatment of persons under restraint."⁵

"Part III", as pointed out by Sir William Vincent, was still "more drastic."⁶ It was applied to an area when the Governor-General in Council was satisfied that scheduled offences were being committed "to such an extent as to endanger public safety."⁶ It empowered the Local Govern-

1 "Punjab Unrest : Before and After," page 4.

2 Section 30 (2) of the Act, India in 1919, page 212.

3 Section 24 (2) of the Act, *Ibid*, page 211.

4 Section 28 of the Act, *Ibid*, page 212.

5 Section 31 of the Act, *Ibid*, page 213.

6 Section 33 of the Act, *Ibid*.

ment, after receiving the opinion of a judicial officer (qualified for appointment to a High Court) thereon, to direct (in addition to the action that it may take under Section 22) the arrest without warrant of a suspected person and his confinement "in such place and under such conditions and restrictions as it may specify", provided that he is not kept in the same place as convicted criminals, and "the search of any place specified in the order."¹ "The period of order under Part II and Part III," explained Sir William Vincent, was "limited to one year in the first instance and to three years in all."² The same safeguards as under Part II for an investigating authority and for a visiting authority were provided in Part III as well. However, the Act laid down that failure to comply with orders under Part III "shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both."³

Such then were the main provisions of the Rowlatt Act which was passed in March 1919. They were regarded by the Government of India as absolutely necessary to deal effectively with the anarchical and revolutionary crimes in India. In introducing the measure in the Indian Legislative Council, the Home Member had said :—"It was impossible to cope with this movement under the normal law..... It will be seen that from 1909 up to the date of the Report (Rowlatt) there were no less than 311 offences and attempts at offences connected with this revolutionary movement, in which 1,038 persons were known to be implicated. Out of that number, 64 only were convicted. "As a result the movement went on spreading, "and in 1915 and 1916 there were 64 outrages including 14 murders, 8 of the murdered people being policemen." The Defence of India Act was then enforced. "The result was that the outrages were at once reduced and from January 1917 to February 1918, I believe, the total number was 10. I think I am right in saying also that

¹ Section 34 (1) of the Act, India in 1919, page 213.

² "Punjab Unrest : Before and After", page 4.

³ Section 38 of the Act, "India in 1919", page 214.

during the last quarter of 1918 there were no revolutionary outrages at all."¹

The immediate effectiveness of repressive measures was not questioned by the non-official members ; but, it was feared by them that innocent men would suffer along with the guilty. Said Mr. Jinnah : "By these powers of an executive character you may be able to get hold of more real offenders but at the risk and the cost of many other innocent men who will be persecuted and who will have no chance, no opportunity, of a proper trial."² Mr. Sastri put this even more effectively. He said :—"It is all very well to say that the innocent are safe. I tell you, my Lord, when Government undertakes a repressive policy, the innocent are not safe. Men like me would not be considered innocent. The innocent man then is he who forswears politics, who takes no part in the public movements of the times ; who retires into his house, mumbles his prayers, pays his taxes and salaams all the Government officials round. The man who interferes in politics, the man who goes about collecting money for any public purpose, the man who addresses a public meeting, then becomes a suspect. Well, we are all anxious to punish the wicked. The price for the extinction of wickedness that is demanded is far too high much better that a few rascals should walk abroad than that the honest man should be obliged to remain shut up in his house to abstain from political and public work merely because there is a dreadful law in the land."³

Another powerful argument urged by Mr. Sastri was that this measure would reduce the proposed reforms to a farce. "You may enlarge your Councils, you may devise wide electorates, but the men that will then fill your Councils will be toadies, timid men and the bureaucracy, armed with these

¹ "Punjab Unrest : Before and After", pages 2 and 3.

² *Ibid*, page 16.

³ *Ibid*, pages 74 and 75.

repressive powers, will reign unchecked under the outward forms of a democratic Government."¹

It was pointed out by Government members that the law drastic and repressive as it was, would come into force only if the Governor-General in Council was satisfied that there was urgent necessity for its application. Mr. Sastri replied :—"We know, my Lord, from bitter experience that these measures are put into force sooner than they become necessary ; that while they are put into force they are exercised more harshly than is necessary, and that they are dropped only with the utmost reluctance long after the exigencies . . . have disappeared, long after enormous miseries and frightful hardships have been inflicted."²

The non-official members strongly objected to arming the executive in times of peace with tremendous powers of suppressing the whole political life in the country and of depriving suspected persons of the right to an open trial, to the help of a legal adviser, and to the safeguards provided by the Evidence Act and other laws of the land. To deal effectively with the revolutionary crime there were special provisions in the Indian Penal Code and other special statutes and the Governor-General had the power of making ordinances and to put into force the drastic Regulations of 1818, etc. Moreover, in their opinion, the real remedy was not ruthless repression—which, in the words of Mr. Montagu would only "create trouble for our successors"—but political reform. Mr. Surendranath Bannerjee quoted Lord Morley in this connection :—"The best way to get rid of Sinn Fein" Lord Morley had said, was "to grant self-government to Ireland."³ And every non-official member of the Indian Legislative Council appealed to the Government not to proceed with the measure, especially at a time when the people were looking forward to political reforms after 4 years of terrible sufferings and sacrifices in the cause of freedom. They sounded clear notes of warning. Dr. Sapru asked the Government "to realise the

¹ "Punjab Unrest : Before and After", page 74.

² *Ibid*, page 72.

³ *Ibid*, page 14.

situation as it has been growing during the last few days and as it threatens to grow in the future. My Lord, already there is a wave of indignation in the country ; from one end to the other protest meetings are being held." And he ended :—"My Lord, you are going to throw the country into a whirlpool of agitation such as it has never witnessed before"¹ But the Government, believing in the joint policy of repression and reforms, paid no heed to the solemn warnings of the representatives of the people (four² of whom resigned their membership of the Council in protest) with consequences which are universally deplored today.

XII

While the non-official members were giving grave warnings to the Government in the Indian Legislative Council, Mr. Gandhi was writing letters, both private and public, to the Viceroy, in which, he tells us in his autobiography, "I clearly told him that the Government's action left me no other recourse except to resort to *Satyagraha*."³ The *Satyagraha* Sabha was formed at Bombay and the *Satyagraha* pledge was drafted and taken by its members. On March 1, 1919, the decision to start the *Satyagraha* movement was conveyed to the public in a letter by Mr. Gandhi to the Press containing the vow. It ran as follows :—

"Being conscientiously of opinion that the Bills known as are unjust, subversive of the principle of liberty and justice and destructive of the elementary rights of individuals on which the safety of the country as a whole and the State itself is based, we solemnly affirm that in the event of these Bills becoming law and until they are withdrawn, we shall refuse civilly to obey those laws and such other laws as a Committee to be hereafter appointed may think fit and we further affirm that in this struggle we will faithfully follow the truth and refrain from violence to life, person or property."⁴

¹ Punjab Unrest : Before and After," page 55.

² The four persons who resigned were :—Pandit Madan Mohan Malaviya and Messrs. Jinnah, Mazarul Haque and Shukla.

³ Gandhi : My Experiments with Truth, Vol. II, page 482.

⁴ "Punjab Unrest : Before and After", page 34.

But neither the warnings to Government nor the decision to start *Satyagraha* nor the protest meetings held all over the country proved effective and one of the Bills was passed by official votes on March 18, 1919 and became law on the 21st March. Mr. Gandhi was then in Madras. He was perplexed as to how he should offer *Satyagraha*, when the idea came to him in a dream, which he communicated to his host, Mr. Rajagopalachari, the next morning:—"The idea came to me last night in a dream, that we should call upon the country to observe a general *hartal*. *Satyagraha* is a process of self-purification, and ours is a sacred fight, and it seems to me to be in the fitness of things that it should be commenced with an act of self-purification. Let all the people of India, therefore suspend their business on that day, and observe the day as one of fasting and prayer"¹

The idea was welcomed by Mr. Rajagopalachari and others and was given to the public in a letter by Mr. Gandhi. "The date of the *hartal* was first fixed on the 30th March 1919, but was subsequently changed to 6th April." "The whole of India from one end to the other, towns as well as villages, observed a complete *hartal* on that day,"² i.e., the 6th April, peacefully and successfully.

However, there were a few places, which learnt of the alteration of the date of the *hartal* too late, which observed it on the 30th March as well. Delhi was one of those places: and it was there that unfortunate occurrences first took place.

The 30th March was observed by the people in Delhi as a day of fast and *hartal*. According to the Hunter Committee Report, scuffle ensued as a result of the crowd insisting upon the closing of a railway refreshments stall. The railway police intervened and arrested two men from the crowd. This infuriated the people, who refused to disperse and insisted upon the return of the men. There were also brick-bats thrown on the police. Ultimately the mob was

¹ Gandhi: My Experiments with Truth, Vol. II, page 486.

² *Ibid*, page 487.

fired upon and forced into the adjoining Queen's Gardens. The crowd thereupon collected in front of the Town Hall, where it was again considered necessary to fire. "As a result of this the total number of persons killed by the firing on this day increased to 8. Only a dozen or so of the wounded persons came to hospital for treatment but the number of the wounded on this day would exceed this figure substantially."¹ There was no further trouble and the meeting in the afternoon in the People's Park passed off quietly. The *hartal* on the 6th was celebrated peacefully. However, there was prolonged *hartal*, from the 10th to the 17th, as a result of Mr. Gandhi's arrest. In an attempt to get the shops opened by police pickets there was a clash between the police and the mob in the Ballimaran Street on the 17th. "The Police were forced to fire in self-protection. About 18 people were reported as wounded with buckshot, two of whom subsequently died."²

After the happenings on the 30th March, Mr. Gandhi was called to Delhi by the local leaders. He agreed to come after the *hartal* of the 6th April. On the night of the 7th, he therefore left Bombay for Delhi. In the meantime the Government of India, in consultation with the Lieutenant-Governor of the Punjab and the Chief Commissioner of Delhi, decided to prohibit the entry of Mr. Gandhi into the Punjab and Delhi and issued an order directing him to remain in the Bombay Presidency. The order was served upon him before Palwal station, which he refused to obey. So, he was arrested at Palwal and was sent back to Bombay under police escort.

The news of Mr. Gandhi's arrest reached Ahmedabad where he had made his home and had built his *Ashram* and where he was loved and worshipped like a god—on the morning of the 10th. It spread rapidly and caused great excitement. A *hartal* was declared. Trouble arose in forcing two Europeans to leave their conveyance. There was a

¹ Disorders Inquiry (Hunter) Committee Report, page 3.

² *Ibid*, page 4.

serious clash but the situation was tactfully handled by Mr. Chattfield, the district magistrate. The next morning, the people were infuriated to hear the rumour of Miss Anasuya Sarabhai's arrest and the mill-hands got out of control and committed acts of incendiarism and violence. Crowds had to be fired on several times and a military proclamation had to be issued on the 12th morning. However Mr. Gandhi and Miss Anasuya Sarabhai arrived¹ on the 13th and were allowed to help in restoring the order. On the 14th the proclamation was withdrawn. "Mr. Gandhi addressed an enormous meeting of people. He upbraided them for their violence, and exhorted them to resume their lawful occupations. His address had a very beneficial effect and the disturbances at Ahmedabad practically came to an end on the 14th April."²

"During the disturbances there were two fatal casualties on the side of law and order Among the rioters 28 are known to have been killed and 123 wounded ; it is probable that there were more. . . . Telegraph wires were cut at eight places in Ahmedabad and at fourteen places outside. The value of the property destroyed by the rioters at Ahmedabad was approximately nine and a half lakhs of rupees, ... Probably the main reason of this was that the rioters had been moved by their personal feelings towards Mr. Gandhi and Miss Anasuya Sarabhai. The sight of these among them at liberty, combined with Mr. Gandhi's reproaches, removed all motive for a continuance of disorder."³

In the Punjab there was no trouble till the noon of the 10th April. Meetings had been held, especially at Amritsar and Lahore, in connection with the Rowlatt legislation. *Hartal* was observed successfully and peacefully all over the province on the 6th April. At Amritsar it was also observed on the 30th March. There was grave discontent in the

¹ From Palwal Mr. Gandhi was taken to Bombay and set free. The rumour of Miss Sarabhai's arrest was false.

² The Disorders Enquiry Committee Report, page 13.

³ *Ibid*, page 13.

province, there was some excitement as well. There was agitation against the Rowlatt Act and great resentment was being felt at the attitude the Lieutenant-Governor had adopted towards political reforms and the educated classes. But there was no revolutionary movement—it had been suppressed in 1916; and the leaders of the people were all believers in peaceful, constitutional methods of agitation. But the Government of Sir Michæl O'Dwyer was bent upon suppressing all kinds of agitation and political life in the province. This is clear from the speech which Sir Michæl delivered before the Punjab Legislative Council on the 7th April, 1919, Sir Michæl said :—

“Gentlemen, I have often been criticised for dwelling on the achievements of the Punjab in season and out of season I might indeed say, much have I seen and known, cities, men and manners, climates, councils, Governments. But nowhere did I find the same qualities as the Punjab can show, from the prince's palace down to the peasants' hut, I found I could meet the Punjabi,—whatever his class or condition, as man to man without suspicion or mistrust, I found him in the mass loyal but not subservient, brave but not boastful, enterprising but not visionary, progressive but not pursuing false ideals, or mistaking the shadow for the substance. These are the qualities which have made the Punjab among the provinces of India “not least but honoured of them all”, and these are the qualities which combined with the moral courage that will be so essential in the times before you, will keep the Punjab in the vanguard of progress and prosperity.” “. . . . I regard it as a great privilege to have lived and worked with such a people and to be closing my service amongst them”¹

And yet a few days after, Sir Michæl held that there was a widespread conspiracy to overthrow the Government and that there was open rebellion organised on such a large

¹ Quoted by the Punjab Congress Inquiry Report, page 6.

scale that it necessitated the declaration and over-zealous enforcement of martial law in the province !

However, in the same speech, Sir Michæel declared his determination to crush the agitation against the Rowlatt Act and the Government. He said :—"The Government of this Province is and will remain determined that public order, which was maintained so successfully during the time of war, shall not be disturbed in times of peace. Action has, therefore, already been taken under the Defence of India Act against certain individuals at Lahore and Amritsar, who, whatever their motives, were openly endeavouring to rouse public feeling against the Government. The British Government which has crushed foreign foes and quelled internal rebellion, could afford to despise these agitators, but it has a duty of protection to the young and the ignorant, whom they may incite to mischief and crime, while themselves standing aside. I, therefore, take this opportunity of warning all, who are connected with political movements in the province, that they will be held responsible for the proper conduct of meetings, which they organise, for the language used at and consequences that follow such meetings." He then referred to the demonstrations on the 6th :—"The recent puerile demonstrations against the Rowlatt Act in both Lahore and Amritsar would be ludicrous, if they did not indicate, how easily the ignorant and the credulous people, not one in a thousand knows anything of the measure, can be misled. Those who want only to mislead them incur a serious responsibility. I would remind them of President Lincoln's famous saying: 'you can, if you are very clever and very unscrupulous, mislead all people for sometime and some people for all time, but you cannot mislead all people for all time.' Those who appeal to ignorance rather than to reason have a day of reckoning in store for them."¹

This was no empty threat as the events of the next few days proved.

¹ The Congress Punjab Inquiry Report, pages 6 and 7

XIII.

Amritsar had observed complete and peaceful *hartals* both on the 30th March and the 6th April, in spite of the fact that orders under the Defence of India Act, not to address public meetings, had been served on the two local leaders—Drs. Satyapal and Kitchlew. The celebration of the *Ram Naumi* festival, with a huge procession and fraternization among the Hindus and the Moslems, also passed off peacefully on the 9th April. "It is certain", writes the Hunter Committee, "that the day passed off without any hostility being offered to Europeans. The Deputy Commissioner himself got caught in the crowd and witnessed the procession from the verandah of the Allahabad Bank. He says 'as a rule they were very civil, every car in the procession stopped in front of me and the band played "God save the King."'¹ On the same day the Government issued orders for the deportation of Drs. Satyapal and Kitchlew from Amritsar and their internment at Dharmsala under the Defence of India Act. On the 10th morning at ten they were quietly removed in a car to Dharamsala and the local executive authorities made military and police preparations to prevent crowds entering the civil station. At about 11.30 the news of the deportations spread in the city. *Hartal* was declared and the people marched in a procession towards the bungalow of the Deputy Commissioner to demand the release of the two leaders. According to the facts related by the Hunter Committee, "the mob had not armed themselves with sticks or *lathis*"² and did not molest or take any "notice of Europeans whom it met on the way."² The crowd was checked at the railway level crossing and was forced back towards the city. In doing so resort was had to firing twice. The mob became infuriated and violent. It entered upon a mad course of destruction, revenge, murder, arson, incendiarism, etc., and brutally assaulted any European, man or woman, it came across. It sacked the National and Alliance

¹ The Disorders Inquiry Committee Report, page 21.

² *Ibid*, page 22.

Banks,¹ set fire to the bank buildings, killed the European manager, etc., and looted the godowns. The Town Hall and other public buildings were burnt. Telegraph wires were cut and Miss Sherwood, a missionary lady, was brutally assaulted and left as dead in a lane where she was picked up later by some Hindus and taken to the hospital. Troops were rushed into the city and the mobs melted away by the evening. "The total number of persons killed on the 10th by fire of the troops was approximately ten ; the number wounded must be greater."²

On the 11th the people were allowed to arrange for the funeral of the dead persons. There was a big procession which passed off quietly. On the same evening General Dyer arrived and took command of the troops in the city. On the 12th many arrests were made and a proclamation was issued prohibiting all gatherings and meetings. The Hunter Committee writes :—"it does not appear what steps were taken to ensure its publication from an examination of the map showing the different places where the proclamation [which was in English] was read it is evident that in many parts of the city the proclamation was not read."³ On the other hand it had been announced on the evening of the 12th that there would be a public meeting in the Jallianwala Bagh on the 13th at 4-30 p.m. General Dyer took no measures to prevent the holding of the meeting but decided to reach the place soon after the meeting had begun with armoured cars and troops, and without giving any warning, ordered the troops to fire till the ammunition was exhausted. This is how Sir Valentine Chirol, the well-known British publicist, has described the scene :—

"One cannot possibly realise the frightfulness of it until one has actually looked upon on the Jallianwala Bagh—once a garden, but in modern times a waste space frequently used

¹ The Chartered Bank escaped much damage and its European Manager and Assistant Manager were rescued by the police from their hiding places.

² The Disorders Inquiry Committee Report, page 29.

³ *Ibid*, page 30.

for fairs and public meetings, about the size perhaps of Trafalgar Square, and closed in almost entirely by walls above which rise the backs of native houses facing into the congested streets of the city. I entered by the same narrow lane by which General Dyer entered with about fifty rifles. I stood on the same rising ground on which he stood, when without a word of warning, he opened fire at about 100 yards' range upon a dense crowd, collected mainly in the lower and more distant part of the enclosure around a platform from which speeches were being delivered. The crowd was estimated by him at 6,000, by others at 10,000 and more, but practically unarmed, and all quite defenceless. The panic stricken multitude broke at once, but for ten consecutive minutes he kept up a merciless fusillade—in all 1650 rounds—on that seething mass of humanity, caught like rats in a trap, vainly rushing for the few narrow exits or lying flat on the ground to escape the rain of bullets, which he personally directed to the points where the crowd was thickest. The "targets" to use his own word, were good, and when at the end of those ten minutes, having almost exhausted his ammunition, he marched his men off by the way they came. He had killed, according to the official figures, only wrung out of Government months later, 379,¹ and he left about 1200 wounded on the ground, for whom, again to use his own word, he did not consider it his "job" to take the slightest thought."²

¹ Writes the Congress Inquiry Committee :—"In the matter of the death roll, it is interesting to note that according to the Government's own showing, they did not commence investigating the figure before the 20th August, i.e., four months after the tragedy. Mr. Thompson then announced that not more than 290 had died. Now they have practically accepted the Seva Samiti's figures, viz., 500, which are based on actual tracing and represent the minimum. The exact figure will never be known, but after careful investigation, we consider that Lala Girdhari Lal's computation of 1,000 is by no means an exaggerated calculation," (page 57). Lala Girdharilal was an eye-witness of the unfortunate happenings and was the first to go into the Bagh after the firing had ceased.

² It may be of value to quote the account given by a reliable eye-witness—Lala Girdhari Lal, the Deputy Chairman of the Punjab Chamber of Commerce—of the Jallianwala Tragedy. He watched the scene from a house overlooking the Bagh. He says :—"I saw hundreds of persons killed on the spot. The worst part of the whole thing was that firing was directed towards the gates through which the people were running out.

Sir Valentine comments:—"But for General Dyer's own statement before the Hunter Commission, one might have pleaded that, left to his own unbalanced judgment by the precipitate abdication of the civil authority, he simply 'saw red' But, on his own showing, he deliberately made up his mind while marching his men to Jallianwala, and would not have flinched from still greater slaughter if the narrowness of the approaches had not compelled him to leave his machine-guns behind. His purpose, he declared, was to strike terror into the whole of the Punjab."¹

XIV

It is not necessary to describe here in detail the unfortunate occurrences that took place in other parts of the Punjab between the 10th and the 15th April. They are narrated in the Report of the Hunter Committee and elsewhere.² Here it is only necessary to mention briefly the happenings at Lahore, Kasur and Gujranwala.

At Lahore there was a *hartal* on the 10th after the news of Mr. Gandhi's arrest was received. A procession was formed "with a black flag as a sign of mourning and proceeded along Anarkali Bazar to the Mall."³ The procession was checked from going up the Mall and asked to disperse. It is said that the people were very excited; they refused to disperse and

There were small outlets, 4 or 5 in all, and bullets actually rained over the people at all these gates, and . . . many got trampled under the feet of the rushing crowds and thus lost their lives. Blood was pouring in profusion. Even those who lay flat on the ground were shot. No arrangements were made by the authorities to look after the dead or wounded. . . . I then gave water to the wounded and rendered such assistance as was possible. . . . I went round the place and saw almost everybody lying there. There were heaps of them at different places. . . . The dead bodies were of grown up people and young boys also. Some had their heads cut open, others had eyes shot, and nose, chest, arms or legs shattered. . . . I think there must have been over 1,000 dead bodies in the garden then. . . . I saw people were hurrying up and many had to leave their dead and wounded, because they were afraid of being fired upon again after 8 P.M."—Pages 56 and 57 of the Congress Inquiry Committee Report.

¹ Chitrol : India : Old and New, pages 177 and 178.

² See pages 36 to 73 of the Disorders Inquiry Committee Report and Pearay Mohan : The Imaginary Rebellion and How it was Suppressed, pages 55 to 94, and also the Congress Punjab Inquiry Report, 1919-20, pages 45 to 155.

³ The Disorders Inquiry Committee Report, page 39.

were fired upon. The crowd was pushed towards Lahori Gate, where it was again asked to disperse and on refusal was fired upon. On the 12th, firing was again resorted to in order to disperse the crowd coming out of a meeting in the Badshahi mosque. On the 14th, the popular leaders, Pandit Ram Bhaj Dutt and Lalas Harkishen Lal and Duni Chand were deported ; hence the *hartal* was continued from the 10th to the 17th April. On the 18th the shop-keepers were forced to open their shops under martial law. There were no acts of mob violence at Lahore.

It was however different at Kasur, where the mob became violent and killed two Europeans and did some damage to public buildings, railway property and to lines of communications. On the 11th the *hartal* began and continued the next day. There is "a very unruly element of the menial, leather workers and butcher class in Kasur"¹ and they organised a liberty funeral procession on the 12th morning. The procession proceeded to the railway station and became more and more excited. The Report of the Punjab Government states :— "Up to this time the intention had merely been to make a violent demonstration. Arrived at the station, the crowd did considerable damage by breaking doors and throwing stones at windows, but did not penetrate the station or interfere with the permanent way. It then commenced to turn away, but at the direct incitement of some of its leaders, surged back and commenced a more serious work of destruction. It burnt an oil-shed, damaged the signal and telegraph wires, smashed a quantity of furniture and looted the ticket office."² The crowd was being persuaded to disperse by some of the local leaders, who had reached the station by that time, when a train with some European passengers arrived. The crowd attacked the Europeans. Most of them, however, were saved—they were persuaded to leave the train and take shelter with some Indians ; but two warrant officers refused to leave the train

¹ Quoted from the Punjab Government Report by Pearay Mohan : The Imaginary Rebellion and How it was Suppressed, page 69.

² *Ibid*, page 70.

and tried to protect themselves by firing with their revolvers. They were stoned and surrounded by the mob and were brutally beaten to death. The police arrived, resorted to firing and dispersed the crowds.

There was also a serious attack at Gujranwala. This occurred on the 14th when the people were incensed by the display of slaughtered calf and pig on two bridges on each side of the railway station. The people believed "that the calf [and the pig also] had been killed and exposed on the bridge by the police in order to create bad blood between Hindus and Mohammedans."¹ The crowd set fire to the bridges. At the Kachi bridge there was firing by the police, some persons were wounded. The crowds got out of control and entered on a mad course of destruction of public buildings and the lines of communications. They set fire to the *tahsil*, the dak bungalow, the district court, the church and the railway station. At about 3 in the afternoon aeroplanes arrived from Lahore and bombed the city. Later troops also arrived. Writes the Hunter Committee :—"Colonel O'Brien, the Deputy Commissioner of Gujranwala informed us that so far as could be ascertained the total casualties in Gujranwala on 14th April, including those killed by bombs and machine-guns and those shot by the police, were 11 killed and 27 wounded."²

XV

"On 13th April 1919 the Lieutenant-Governor of the Punjab, with the concurrence of the General Officer Commanding the 16th Division and the Chief Justice, High Court, requested the Governor-General in Council to direct him to 'suspend function of ordinary criminal courts in Amritsar and Lahore Districts, to establish martial law therein and to direct trial of offenders under the Regulation of 1804, i.e., by courts-martial.' " The request of the Punjab Government was granted and martial law was declared at Lahore and Amritsar on 15th April. "Similarly applications were made in respect

¹ The Disorders Inquiry Committee Report, page 48.

² *Ibid*, page 52.

of Gujranwala on 15th April proclamations to this effect were made in those districts on 16th, 19th, and 24th April respectively." Martial law was withdrawn generally on the 11th June except on railway lands. "It was finally withdrawn from railway lands on 25th August."¹

There were differences of opinion between the majority and minority reports of the Hunter Committee on (1) the necessity of declaring martial law, (2) on the justification of its continuance for so long a period, and (3) on the severity of its administration. The majority report justified the introduction and continuance of martial law and generally approved of its administration ; whilst the minority report held that the situation did not necessitate the declaration of martial law and that, in any case, it was kept in force too long² and was administered too severely and unjustly. In the opinion of the Congress Inquiry Committee, "most of the measures taken under Martial Law, in all the five districts, were unnecessary, cruel, oppressive and in utter disregard of the feelings of the people affected by them."³

It will serve no useful purpose to recite the individual acts of cruelty perpetrated by some of the martial law administrators in the Punjab.⁴ It is sufficient to give the opinions of three representative persons—two Europeans, Sir Valentine Chirol and the Secretary of State for India ; and one Indian, one of the most moderate and responsible of them, Sir Sivaswamy Iyer, the President of the Moderates Conference, 1919. Writes Sir Valentine Chirol :—

"Then two days after—not before—Jallianwala came the formal proclamation of martial law in the Punjab, and though there were no more Jallianwalas, what but racial hatred could

¹ Disorders Inquiry Committee Report, page 72.

² "Assuming for this purpose that its introduction was necessary, we are clearly of opinion, on the evidence placed before us that it should not have been continued beyond a few days" (Report of the Disorders Inquiry Committee, page 126).

³ The Congress Punjab Inquiry Committee Report, page 158.

⁴ Those who wish to read the various accounts may refer to the Minority Report of the Disorders Inquiry Committee Report, the Congress Punjab Inquiry Committee Report and Pearay Mohan's Imaginary Rebellion and How it was Suppressed.

result from a constant stream of petty and vindictive measures enforced even after the danger of rebellion, however real it may at first have seemed, had passed away? Sir Michael O'Dwyer protested, it is true, against Dyer's monstrous 'crawling order'¹ and it was promptly disallowed. But what of many other "orders" which were not disallowed? What of the promiscuous floggings and whippings,² the indiscriminate arrests³ and confiscations, the so-called 'fancy punishments' designed not so much to punish individual "rebels" as to terrorise and humiliate? What of the whole judicial or quasi-judicial administration⁴ of martial law?⁵

Even the Secretary of State for India in his dispatch on the Hunter Committee Report felt constrained to remark:—"There is one question with regard to which it is impossible to avoid the conclusion that the majority of Lord Hunter's Committee have failed to express themselves in terms which unfortunately the facts not only justify but necessitate. . . . It is unnecessary to recapitulate the instances which the Committee have enumerated in detail in both their reports, nor would any useful purpose be served by attempting to assess with a view to penalties, the culpability of individual officers who were responsible for those orders . . . but His Majesty's Government must express strong disapproval of these orders and punishments. . . . The instances cited by the Committee give justifiable ground for the assertion that the adminis-

¹ Reference has been made above to the assault on Miss Sherwood at Amritsar on the 10th April. Some days after, i.e., on the 19th April, General Dyer issued an order that those who pass the lane, where Miss Sherwood fell, should be made to crawl—"go on all fours". "The process consisted in the persons lying flat on their belly and crawling exactly like reptiles." The order was withdrawn on the 26th.

² The Minority Report of the Hunter Committee records 258 ordinary cases of flogging and whipping—there were other special cases also. "The normal procedure adopted was to strip the person to be whipped and to tie him to a frame-work and then lash him." Each person was given from 5 to 30 stripes (page 162, Disorders Inquiry Committee Report).

³ In all 789 persons were arrested, who were never brought to trial." *Ibid*, page 166.

⁴ "Out of 108 death sentences, only 23 were maintained . . . out of 265 sentences for transportation only 2 were maintained", when they were later revised by the Government. The figures of original punishment give some idea of the administration by martial law courts.

⁵ Chirol: India: Old and New, page 179.

tration of martial law in the Punjab was marred by a spirit which prompted, not generally but unfortunately not uncommonly, the enforcement of punishments and orders calculated, if not intended, to humiliate Indians as a race, to cause inconvenience amounting on occasions to injustice and to alter the standards of propriety and humanity which the inhabitants have a right to demand of those set in authority over them."¹

Speaking as President of the All-India Moderates Conference, 1919, Sir Sivaswamy said :—"Let us turn our eyes to some of the facts disclosed in the evidence of the principal European witnesses (before the Hunter Committee). The wholesale slaughter of hundreds of unarmed men at Jallianwala Bagh without giving the crowd an opportunity to disperse, the indifference of General Dyer to the condition of hundreds of people who were wounded in the firing of machine-guns, into crowds who had dispersed and taken to their heels, the flogging of men in public, the order compelling thousands of students to walk 16 miles a day for roll-calls, the arrest and detention of 500 students and professors, the compelling of school children of 5 to 7 to attend on parade to salute the flag, the order imposing upon owners of property the responsibility for the safety of the martial law posters stuck on their properties, the flogging of a marriage party, the censorship of mails, the closure of the Badshahi mosque for six weeks, the arrest and detention of people without any substantial reason especially of people who had rendered services to the State , the flogging of six of the biggest boys in the Islamia school simply because they happened to be school boys and big boys, the construction of an open cage for the confinement of arrested persons, the invention of novel punishments like the crawling order, the skipping order , the hand-cuffing and roping together of persons and keeping them in open trucks for 15 hours, the use of aeroplanes and Lewis guns against unarmed citizens, the taking of hostages and the confiscation and destruction of property for the purpose of securing the

¹ "Punjab Unrest : Before and After", page 159.

attendance of absentees, the hand-cuffing of Hindus and Mohammedans in pairs with the object of demonstrating the consequences of Hindu-Muslim unity, the cutting off of electric and water supplies from Indian houses, the removal of fans from Indian houses and giving them for use to Europeans, the commandeering of all vehicles owned by Indians and giving them to Europeans for use, the feverish disposal of cases with the object of forestalling the termination of martial law, are some of the many incidents of the administration of martial law which created a reign of terror in the Punjab and have shocked the public."¹ And even Mrs. Besant who had condemned the action of the crowds at Amritsar in strong language² and had on insufficient evidence characterised the mob excesses in the Punjab (on the 18th April) as the work of revolutionaries,² felt it necessary to write on the 21st December, 1919:—"I have been shocked to read the evidence given by the military authorities before the Hunter Committee. Nothing more than is recorded out of their own mouths was done by the Germans in Belgium."³

XVI.

As the news of the terrible events in the Punjab percolated to other parts of India after the withdrawal of martial law and censorship, there was an outcry against the administration of Sir Michael O'Dwyer and the Government of Lord Chelmsford. There was a demand in the nationalist press for the recall of Lord Chelmsford and the impeachment of Sir Michael and those responsible for the oppressive administration of martial law. The people were shocked and indignant and there was terrible discontent in the country. The moderate leaders also attacked the Government, both in regard to its policy of frightfulness in the Punjab and in regard to its reactionary attitude towards the question of political reforms. Writes the author of

¹ The Indian Annual Register, 1920, page 397.

² She had written to the *Times of India* :—"The cutting of telegraph wires, the derailment of troop trains, the burning of railway stations, the attack on banks, the setting free of jail birds, are not the action of *Satyagrahis* nor even of casual rioters, but of revolutionaries."

³ Disorders Inquiry Committee Report, page 125.

"India in 1919":—"The general criticism was levelled against Government, not merely in the Nationalist but also in the Moderate press that the reforms scheme as originally conceived had been whittled down. . . ."¹

However, the national protest was voiced by India's greatest poet, Sir Rabindranath Tagore, through his dignified letter renouncing his knighthood. He wrote:—

" The accounts of the insults and sufferings undergone by our brothers in the Punjab have trickled through the gagged silence reaching every corner of India and the universal agony of indignation roused in the hearts of our people has been ignored by our rulers, possibly congratulating themselves for imparting what they imagine salutary lessons knowing that our appeals have been in vain and that the passion of vengeance is blinding, the noble vision of statesmanship in our Government, which could so easily afford to be magnanimous as befitting its physical strength and moral traditions, the very least I can do is to take all consequences on myself in giving voice to the protest of the millions of my countrymen surprised into a dumb anguish of terror.

The time has come when badges of honour make our shame glaring in their incongruous context by humiliation, and, I for my part, wish to stand shorn of all special distinction by the side of those of my countrymen who, for their so-called insignificance, are liable to suffer a degradation not fit for human beings, and these are the reasons which have painfully compelled me to ask your Excellency, with due deference and regret, to release me of my title of knighthood. . . ."²

The relinquishing of the title by Poet Rabindranath created a profound effect on the minds of Englishmen and made the British Government push on work in connection with Montford Reforms. In the meantime more facts were being brought to light by the indefatigable efforts of Pandit Madan Mohan Malaviya and his co-workers. Pandit Malaviya framed 92

¹ India in 1919, page 41.

² The Indian Annual Register, 1920, pages 50 and 51.

searching questions¹ on the unfortunate events in the Punjab during April, May and June, 1919 and gave notice of them to the Secretary, Indian Legislative Council ; but they were disallowed by the Governor-General. He then moved a resolution for the appointment of a Royal Commission in place of the Committee of Inquiry announced by the Viceroy in the opening speech, which was to report to the Government of India, for the reason that the Government of India was itself involved in the affair. But the resolution of Pandit Malaviya was rejected and the Disorders Inquiry Committee was appointed with Lord Hunter as Chairman, Mr. Justice Rankin, Mr. Rice, Major-General Sir George Barrow, Sir Chimanlal Sitalvad and Sahibzada Sultan Ahmad as members. To these were latter added Pandit Jagat Narain and Mr. Thomas Smith. The Committee began its work in October 1919 and reported in March 1920. The Congress and many other non-official persons withheld co-operation from the Hunter Committee owing to its narrow terms of reference and denial of adequate opportunities to consult the Punjab leaders who were in jail.

However, before the Committee could begin work, the Government of India rushed through the Indian Legislative Council the Indemnity Bill² to indemnify the officers into whose conduct the Hunter Committee was asked to inquire. The non-official members suggested postponement in view of the appointment of the Hunter Committee. Pandit Madan Mohan Malaviya delivered a historic speech on the occasion, lasting for nearly five hours and containing a full narrative of the

¹ The questions are given in full in "Punjab Unrest: Before and After", Appendix, pages 1 to 23.

² The Indemnity Act, 1919, was a short Act of 6 small sections. Section 2 "indemnifies any officer of Government, whether civil or military, from any action, civil or criminal, in respect of any matter or thing done for the purpose of maintaining or restoring order." Section 3 provided that "a certificate of a Secretary to Government that any act was done under the orders of an officer of Government shall be conclusive proof thereof" for purposes of Section 2. Section 4 provided for "the retention in custody of persons convicted by summary courts" under martial law. Section 5 provided for "the payment of compensation where the property of any person has been commandeered by Military Authorities."

See pages 159 and 160 of Punjab Unrest: Before and After for the Indemnity Act of 1919 and also pages 161 to 174 for speech of the Home Member explaining the provisions and the Government position.

events and a discussion of the whole legal and constitutional position, in support of the amendment for postponement. But the Government passed the Bill with official votes against popular protests both inside and outside the council.

However the British Government in order to calm the atmosphere hurried the Reforms Bill through the Parliament and a Royal Proclamation signifying His Majesty's assent to the Bill was issued on the very eve of the session of the Indian National Congress, which met at Amritsar at the end of December, 1919.

After reciting the stages of constitutional development and the interest of the Crown in the welfare and progress of India, the Proclamation dealt with the circumstances leading to the "definite step on the road to responsible government." It proceeded:—"It is my earnest desire at this time that so far as possible any trace of bitterness between my people and those who are responsible for my government should be obliterated. Let those who in their eagerness for political progress have broken the law in the past respect it in the future. . . . A new era is opening. Let it begin with a common determination among my people and my officers to work together for a common purpose. I therefore direct my Viceroy to exercise in my name and on my behalf my Royal clemency to political offenders in the fullest measure which in his judgment is compatible with the public safety. I desire him to extend it on this condition to persons who for offences against the State or under any special or emergency legislation are suffering imprisonment or restrictions upon their liberty."¹

The declaration of political amnesty² had a profound influence in calming the atmosphere and the immediate release of the leaders, some of whom were able to reach Amritsar in time to join the Congress Session, had very beneficial results.

The Congress of 1919 ultimately passed the following resolution on the Reforms Act:—

"(a) That this Conference reiterates its declaration of last

¹ India in 1919, pages 51 and 52.

² "The total number of persons who benefitted by the Amnesty exceeded 1,300." *Ibid*, page 53.

year that India is fit for full responsible Government and repudiates all assumptions and assertions to the contrary wherever made.

- (b) That this Conference adheres to the resolution passed at Delhi Congress regarding constitutional reforms and is of opinion that the Reforms Act is inadequate, unsatisfactory, and disappointing.
- (c) That this Congress further urges that Parliament should early take steps to establish full responsible Government in India in accordance with the principle of self-determination.
- (d) Pending such introduction, this Congress trusts that, so far as may be possible, they so work the reforms so as to secure an early establishment of full responsible government, and this Congress offers thanks to the Right Honourable Mr. E. S. Montagu for his labours in connection with the reforms."¹

Thus the year 1919, which had witnessed a veritable reign of terror, ended peacefully and full of promise for the future.

¹ India in 1919, Appendix VII.

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